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MEMOIRS
CONCERNING THE
AFFAIRS
OF
SCOTLAND,
FROM QUEEN ANNE'S ACCESSION TO THE THRONE, TO THE
COMMENCEMENT OF THE
UNION
OF
ENGLAND AND SCOTLAND,
IN MAY 1707,
COMPREHENDING AN INTERESTING HISTORY OF THAT
IMPORTANT EVENT.

BY MR. LOCKART.

The Fourth Edition.

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MEMOIRS



UNION

ENGLAND AND SCOTLAND

THE
NATIONAL
ARCHIVES
AND
RECORDS
ADMINISTRATION
OF
THE
UNITED
STATES
OF
AMERICA
WASHINGTON
D.C.

THE

P R E F A C E.

A Book now without a preface, is thought as ridiculous as a man with a suit of fine cloaths and a slovenly sign-post-hat and perriwig; and therefore, since, according to the proverb, *a man had as good be dead as out of the fashion*, I must preface a little too, though, indeed, after all, I might spare myself the pains, since the odds is more as two to one, that these memoirs shall never appear in publick; one thing I am sure of, that a good space of time must needs intervene, since they contain several passages, that, upon many accounts, are not fit to be promulgated in the world, until the affairs thereof, I mean in this island, take another turn; and even supposing that obstacle were, (and I pray God it may be soon) removed, yet having used a little freedom with several persons of rank and

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power, in the characters I have given of them, and in the relation of several matters of fact, common prudence requires these memoirs should lie dormant until such be out of a capacity to resent the same either on *myself* or *posterity*.

To begin then; I do most solemnly declare, not because it is the jog-trot method of prefaces, but because ~~it~~ is real truth, that my writing of these *memoirs* did not proceed from any desire of being an author; for the true rise and origin was, as I am now to tell you, having had the honour to represent one of the chief shires in *Scotland* during the four last sessions, I did apply myself to become as useful as I could to my country: And, I thank God, my behaviour was such, that I did not procure the displeasure of my constituents. I considered that, when I first entered upon that employment, I was very young, and void of experience, and was desirous to retrieve that loss by a diligent application, to observe, what would occur, for the future; and for that purpose, I used, for the most part, to make my remarks on what I thought observable, as they occurred either in or out of the parliament house, and gather a collection of all the valuable prints, and procure extracts of those papers, as I believed might be useful to lie by me: Having followed this method for four years, *viz.* From *Queen Anne's* first session of parliament, in *May*, 1703, to the commencement of the *union* in *May*, 1707: I lived thereafter some time
privately

THE PREFACE.

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privately at my house in the country, and thought I could not divert myself to better purpose, than by ranging my notes into order, believing they might, perhaps, prove some time or other useful, to keep in my remembrance several passages that I might otherwise forget; and all, I then designed, was to be contained in a small volume: But after I was once engaged in the work, I found several passages required the relation of others, without which, they were not plain, which, bit by bit, drew me into a labyrinth, out of which I could not well extricate myself, until it had swelled to a much greater bulk than I at first imagined. This being finished, I projected no more: but being afterwards a little curious to know if any other person had a design of writing an account of these times, and being certainly informed, that there was none, at least that I could hear of (except Mr. *Ridpath*, and some such other mercenary party scribblers, whose accounts (if ever published) will be found to want several remarkable passages, the knowledge of which they could never attain to, and which are contained here) I thought it a million of pities, that such considerable transactions should be altogether buried in oblivion; and therefore, since no other, that I heard of, did, I was resolved to attempt it.

In prosecution whereof, I found it necessary to give the reader a particular account of the lives and characters of several persons; without which he could not well have had a

clear and full idea of what passed. I know it is the hardest part of an historian, and how I have performed, I must refer to the judgment of others. These characters will let posterity know, who they were made the greatest appearance, and had the chief ruling of the roast in these days, and the protestations and protestors names will serve to keep in remembrance the grounds upon which they went, and to whom the country owes its ruin, and who they were stood to its defence.

After I had finished it so far, as to the commencement of the *union*, the designed invasion from *France* soon followed; and I thought it had so near a relation and dependance upon what preceded, that I inclined to give likewise an account of it: The disappointment of which drew me insensibly to take a short glance of the happy state from which the kingdom of *Scotland* was fallen; and, I am persuaded, if *Scotchmen* would often and seriously reflect upon it, and the glorious and heroick actions of their progenitors, it could not fail of exciting in them a generous resolution of recovering what was so valiantly defended and maintained by their predecessors, and meanly parted with by this age: and I can never suffer myself to despond, or doubt, but that, some time or other, God will bless such resolutions and endeavours with success, by restoring the nation to its ancient rights and liberties.

What next remains, is to acquaint my reader, that besides the pains I was at to make the observations

observations and collections I have spoke of, I had opportunities of knowing the rise of most transactions, as much as any of my contemporaries, having (I say it without vanity) been trusted by the chief of the *cavaliers* and country parties: It cannot be imagined, that I (though I doubt not the time will come, when truth will appear, and be made public) can, in all points, give a full account of the springs and causes of all the measures that were taken and followed during this time; many of them being the secret intrigues and resolutions of aspiring self-designing men; but in the mean, I fancy I have discovered as much as will give my reader a clear notion of the state of affairs, and the several views and motives that then prevailed. And I do most solemnly declare, I have, to the best of my knowledge, neither added to, nor impaired the truth; as a proof of which, I think I may appeal to the characters, and the general strain of these *memoirs*, wherein I have not spared my near *relations*, particular *friends*, and intimate *comrades*, when I thought them faulty.

As I am conscious to myself, that no motive, save a true hearted *Scots* one, incited me to compile these *memoirs*; so I beg, and hope, what imperfections they contain, may be excused by all such, into whose hands they fall. If I have misrepresented any person, it is a sin of ignorance, and I beg pardon for it; but I may desire my *reader* to give their vindications no credit, unless they be as well vouched as my accusations; which I am sure are so well

well founded, that was there, (as we say in *Scotland*) a right fitting sheriff, I would not doubt to see some gentlemen string. This remembers me, that I foresee, it may be objected, I write too much against a certain party: It is true, my indignation against the betrayers of my country is so great I never could, nor will speak or write otherwise of them; but when it does not induce me to deviate from the truth; on so provoking a subject, I may be granted that grain of allowance, which, you know, is never refused losing gamesters.

All I have to add is, that perhaps in process of time, some of these persons, whose characters I have drawn, and of whose behaviour I have given an account, may alter their minds and manners, some grow better, and some grow worse: as to those that grow better, and I wish there may be many such, I shall honour them as much as any man, and I hope they will not take it amiss, that I tell the truth, and condemn what they themselves seem to disapprove of. As to the other sort of men, I shall heartily regret their falling off from what they once knew to be right; and what is contained in these memoirs, that seems to favour them, will become their greatest *reproach*. Thus I see no occasion of retracting what I have said of either of these sorts of men; if the account I give of them be true, and the faults I mention were actually committed, I cannot be accused with any shadow of *reason*.

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INTRODUCTION.

THE surprize upon the imagination would be too great, and the light too strong upon the eye of the reader, from the naked view of these following *memoirs*, without conveying the important matters contained therein to the senses, by a proper medium, and preparing them to dwell upon such prodigious wickedness for some time, with a restraint of temper.

The strokes in many places, indeed, are so bold, and lie so open to the senses of every man, as will raise the blood of the most phlegmatick, and it is happy for some deluded people, who have hitherto doubted of a plot being carried on against their country, that the author of these *memoirs* has so freely discovered the flagitious attempt of his party.

The many impious schemes the reader will meet with, through the course of these sheets, laid down for the entire subversion of *liberty* and *protestant interest* in *Scotland*, will often oblige him to carry his reflections higher, and wonder how a govern-

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ment so embarrassed with *faction*, and attacked in her vitals, by such a number of *parricides*, has subsisted to the date of this happy minute.

The imagination will be always kept warm with great variety of incidents, and no person can propose to read some passages coolly, whilst he is encountered with such a *wicissitude* of *passions*, *horror*, and *pleasure* rising *alternatively* in his breast, from the projected wickedness on one hand, and the successful defeat of it on the other.

The noble struggles which have been made for keeping out *popery* and *slavery*, and rescuing the constitution out of the hands of its oppressors, must give inexpressible delight to the asserters of *liberty*, and men of true *revolution* *complexions*, whilst the *parricides*, and those who had sworn her destruction, must be covered with shame at the thought of so *unnatural* an attempt.

Though the following transactions are chiefly confined to *Scotland*, yet they will serve to clear up many *speculations* relating to the *English* *affairs*, and by this *clue* we may be able to come at the parallel *wickedness* of a *set* of men in both kingdoms, who had the same *felonious intentions* towards their country, even those who have been a constant *dead weight* upon the *revolution*, perplexed King *William's* affairs, and

and gave no small disturbance to the throne of Queen *Anne*.

The *barbarous* designs of these men, you will find, through the whole strain of the *memoirs*, artfully disguised, with the plausible name of *publick spirit*, and a *tenacious love* of their country; but they who observe upon what Foundations all their *measures* were built, and that the compassing them must inevitably have been the destruction of all *civil* and *religious rights*, will never be very forward in approving the means, when the end was so pernicious.

The following sheets, one may readily discern, were designed for the *triumph* of another day, a day which would have extinguished the very name of *liberty*, and even the form of *religion* amongst us, and which all true *Britons* deprecate, and never desire to see fill up a space in their *kalendar*; and what perhaps might have been designed to make a *merit* upon the arrival of a *pretender*, is now sacrificed to a more *glorious occasion*, and published to dispossess some unhappy people of their prejudices, and give all King *George's* subjects an abhorrence of those wicked practices which were levelled at the *happy revolution*, and consequently at the title of our present king.

The *Test of Assurance* at the *revolution*, which was of the same nature as a *qualifying act*, we find loudly stormed at, not so much

much upon the account of its irregularity, but because the *parliament* consisted of a *majority* of *Williamites*, who being apprehensive of the *Jacobites* crowding in to distress the government, under the formal acknowledgment of King *William's* title as a *nominal*, or *de facto* king, were resolved to make the oath as explicit and binding as they could think of, and therefore required all persons in *publick stations* to take it to him as *rightful* and *lawful* sovereign.

This was an effectual check upon several, and disabled them from doing any legal mischief: thus being disappointed of their aim, we must expect to find their passions disburdened in bitter invectives against those worthy patriots, who took all the necessary precautions for the support of so glorious a cause.

The reasons given for some gentlemen not appearing, as *candidates* for the *convention viz.* Their confidence of a *speedy breach*, in so young and *uncompacted* a *settlement*, and their unwillingness to be present at any councils, which might seem to countenance King *William's* pretensions, or favour his right, are lucid proofs of their disposition to return back to their former chains, and their ardent zeal for *popery*.

Their rancour against the *revolution* made them refine too much in their *politicks*, and so infatuated them, until the opportunity was past of obstrucing so great a felicity, that,

that, perhaps, it was never known; that such a preënce malice ever contributed so much to the promotion of a cause, which was intended to be deserved by it.

It is plain to a demonstration, the unexpected present of the crown to King *William*, first waked all the dormant passions of their souls; and the establishment of the *presbyterian church* of *Scotland*, fired them to a degree of frenzy.

No man would make himself such a novice in *Scotch* affairs, as not to be sensible, that an *episcopalian* in *Scotland* is a professed *jacobite*. The *revolution men* therefore knowing that no limitations would bind them, or concessions engage them to become entirely in the interest of king *William*, thought fit to lodge an incapacity over their heads, whereby their measures were broken, both as to their authority, and legal assistance to any contrivance against the *revolution*, and *protestant interest*; the source of all the bitter invectives against the promoters of them, under the invidious names of *rebel*, and *fanatick*.

It will, in a great measure, alleviate the complex scandal thrown upon the least distinguished worthies, who contributed so bravely to the support of the *revolution*, when they find themselves ranged with the most illustrious blood of *Scotland*, for having acted so strange a part (in the dialect of the *popish faction*) of serving their country.

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The great duke of *Queensberry's* unbounded zeal for the publick good, his easy addresses to the froward and obstinate, only to soften their rugged spirits, and bend them to humanity, and a love of their proper interest, which seldom stands in need of strong arguments, merits no better title with this *memoir author*, than *profound dissimulation*; his falling in with the staunch *protestant revolution interest*, after a promise to the *opposite party*, of joining with them only in *just and honourable measures*, has no better graces assigned it, then *revolt and apostacy*: and the accumulation of honours heaped on his family, under the reign of *Charles and James the seconds*, is displayed to enlarge the view of his ingratitude, to those patrons of his family, in the generous assistance he gave to *King William*, and the bleeding state of his country, which was dearer to him than all the presents in the gift of a crown, for which, this *author* is pleased to give him the *civil appellation*, of the *first rebel*.

The *personal failings* of the great Duke of *Argyle*, which are always to be weighed down by superior virtues, are introduced in the character of that *brave man*, to fully his early appearance for *King William*, and to insinuate, that as the *revolution* was a work begun by *profligate and flagitious men*, so consequently had nothing to recommend it but *successful wickedness*. The *unwilling concessions* made to his *penetration, judgment, addresses, and elocution*, are put in that light,
only

only to raise an indignation in persons, that they were not more usefully employed. His want of application, one would think, should atone, in some measure, for the mischief he did with this *memoir writer*; but the least vigilance in a good cause, we find, is not to be forgiven by those, who are ever watching for the destruction of their country: still amidst these pointless assertions, he lives warm in the hearts of all *honest revolutioners*, and will triumph in history, when the invidious *memoirs* of a disappointed faction, will moulder with their own envy. We are well assured, that glosses would not have been wanting to varnish the worst of his infirmities, could he have been prevailed upon to go over to the interest of a party, which makes even damnable sins, venial, in transgressors of the *greatest magnitude* of their own persuasion.

That part of the character which charges him with ingratitude, for abandoning the interest of King *James*, when he had so fair a prospect of being restored to his *forfeited estate*, would have fixed a greater blemish upon him, even that of an *unwarrantable credulity*, if he had trusted to a promise, which would never have been made good, without forfeiting his honour, and conscience, in lieu of his fortune.

The probity of these *memoirs* is further illustrated, in the attack upon the character of the unblemished Earl of *Stairs*, inaccessible,

accessible, one would think even to envy itself. What quarter must persons expect, in the lower orbs of life, from the rage of a *faction*, when such sublime virtues are so *prophanely insulted*? one who commanded assemblies by a masculine unforced eloquence, and gave conviction to the most prejudicate minds.

His early and ardent zeal for the *revolution*, and incessant toils for establishing it upon a lasting basis, are services never to be forgiven by one set of men, or forgotten by another.

But the plan he laid for consolidating the two kingdoms, and thereby giving a sanction to the title of the illustrious house of *Hanover* to these realms, will always put the blood of a *faction* into the highest ferment, and make them gnash their teeth, though they are grinded down by this *happy conjunction*.

We see to what miserable shifts they are reduced, when, in opposition to the *brightness* of his *merit*, they are forced to glance at the freshness of this great man's family, whilst they must be content to enjoy the solitary title conveyed to them by a *fortuitous generation*, unaccompanied with those honours which flow from an exemplary desert, and a superior genius: but what will entail their *malice* upon this noble family, is to find the *hereditary virtues* of the father shine

shine out so conspicuously in all the actions of a most accomplished son.

The consummate merit of the Duke of *Roxborough* cannot be passed over, without having its share of the tainted breath and virulency of this author: The elegance of his manners, his fine parts, greatness of soul, and all the endearing qualities which go into the composition of a *great man*, were misapplied, according to the *memoirs*, for being a strong *revolutioner*, and his strenuous support of the *Hanover interest*.

The duke of *Montrose's* vigilance and zeal for so good a cause, could not escape unmarked by this author: His generous warmth for carrying the resolve about the succession, for the house of *Hanover*, is basely traduced as heat and passion; and his earnestness for ratifying the *revolution* sets him at the head of the *Hanoverian wiggish faction*.

Whatever ignominy our author, and his party, thought to fix upon this great man, by these two epithets, yet they will always appear amongst the shining lights of his character, and the noble pushes he made for securing the *protestant interest*, and establishing this glorious succession, will yield a solid satisfaction to him, whilst the *popish, jacobite, tory faction* must suffer all the agonies of mind, and contempt from the world, for having gone all extremities towards accomplishing the ruin of their country.

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It is no wonder to find the passions of this virulent writer boil higher, when he falls in with the present Duke of *Argyle's* character: The hereditary spirit of a family that always detested, even the most distant approaches of *popery*, and knew not how to bend to *arbitrary* rule, could not fail of receiving many impotent lashes from the pen of an *object author*, who was never easy in the possession of *liberty*, and enjoyed it at the hands of a government which owed him no protection. The firmness of my lord duke to the true interest of his country, has given a fresh accession of glory to his family, in having abandoned all his honours, and leaving himself at large, and unincumbred, to serve his country, and maintain the succession of our present glorious King *George*, if any struggles had been made to the contrary.

The Earl of *Cromarty's* character is treated in a contemptible manner, for favouring the *episcopal party* at first, and then deserting them when their violent, actions rendered them incapable of protection from the civil government.

The names of *Marchmont*, *Loudon*, *Leven*, *Glasgow*, could not hope to escape the rage of this *memoir writer*, their zeal against *popery* and *slavery* being registred in such lively characters. As little favour could these worthy patriots *Dalrymple's*, Mr. *Bailly*, of *Ferriwood*, expect at the hands of a *faction*,
after

after having confirmed the *revolution*, in the very teeth of rage and tumults, and so vigorously succoured the title of our present king.

These, with many other illustrious names, we find drawn at full length by this *memoir-writer*, but wretchedly mangled: A few virtues here and there having been artfully interspersed, and so coolly represented, that the warm colourings of their vices should strike more forcibly upon the eye.

This seems to admit of some mitigation, when we consider his usage to those of his own faction, and the reproaches he has heaped upon them in that light he has placed them, under pretence of making their characters appear brighter to the world.

Had he studied a satire upon his friend the Duke of *Athol*, he could not have exposed him more to the censure of mankind; his excess of love to King *William*, so as to form all his gestures upon the model of that great prince, and then flying off from his interest, because his recommendation was not so powerful as another's, and from a jealousy of a noble lord's being a greater favourite, are such low and contemptible characters, as will just suit with our ideas of a person not come to years of discretion. He is owned a *trimmer*, by this good friend, between *court* and *cavalier*; after that becomes a violent *jacobite*, at the same time a diligent hearer of the *presbyterians*,

rians, willing to go into any desperate measures against the *Hanover* succession, and, to confirm the world in this opinion, he had, by the *memoir-writer's* account, 6000 *cavaliers*, upon a loyal bottom, to sacrifice for the king's service.

In what a fine situation does this scribe put this noble lord? upon what a slender bottom are his disgusts founded? How lively his inconstancy and inconsistencies are painted? And how nakedly he exposes his zeal for the service of the king, as the faction files the *pretender*, which, for the safety of his noble friend, might, one would think, have been softened by dashes or ambiguities?

The Duke of *Hamilton's* character is rendered almost as conspicuously bad, by this author, in his trimming capacity and desertion, when the *cavaliers* thought they had him sure, joining sometimes with one party, then another, consenting to the queen's nomination of commissioners to treat, and his resolutions questioned, because he could not be induced to go all the desperate lengths of the faction.

The loyalty of the Earl of *Earl* to the royal family, is very much illustrated by Earl *Marshall's* fidelity to his prince and country; and Lord *Balmerino* is complimented in a most horrible manner for not taking the oaths to the government till 1704, with a view of obstructing the *Hanover* succession.

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I shall pass over the large pourtraiture of Mr. *Fletcher*, the author having blended so many contrarieties in his character, that it is impossible to reconcile them to any man's apprehension.

When the reader finds the terms *cavalier*, *royal family*, *prince*, *king*, *episcopal*, dispersed through these *memoirs*, he cannot be at a loss for the meaning of them, they are terms of great significancy amongst the *faction*; but in revolution dialect, go for no more than *jacobite*, a *spurious issue*, *pretender*, *mock-monarch*, and *popish persuasion*.

These terms will be fully explained, and the desperate attempts of the faction appear in lively colours, when the bare-faced treason against the late Queen *Anne*, shall glare in your eyes, and astonish you.

I shall pass by the *Union* without any remarks upon the author's relation, only beg leave to say, that though some rights and privileges in *Scotland* may have been weakened by this conjunction, yet they have their religion and liberty secured to them by it; for it had been impossible to have defeated the attempts of the *jacobites*, or extinguished their sanguine hopes, without declaring the succession to the crown of *Scotland* to be in the illustrious house of *Hanover*. This is evident from the alarm it gave the whole party; for no sooner was the *Union* settled, but projects were concerted

certed for restoring their king, as they called him.

But this conspiracy against the queen and the *protestant* religion, was of a quite different management from all the plots recorded in history. Besides the general expectation, and ardent wishes for his arrival, the *jacobites* had their delegates to treat about the manner of his restoration, and set meetings in the *western shires*.

But we shall cease wondering at the insolence of those open attempts under the eye of government, when we read of a black list of 16 nobles and gentlemen who subscribed to a solemn invitation, with a duke's name in front.

This passage, methinks, should have made the author of the memoirs a little more temperate in his foregoing reflections upon the Duke of *Queensberry*, and some other nobles, who are represented as trumping up a sham plot upon the abovementioned duke if people should once make use of their reason, and compare the former account laid before the lords of *England*, with what is set forth here in so many capitals, it would be no great strain upon the imagination, to conclude him embarked in the same designs before, as this author, upon his knowledge, assures the world he was of later date.

There was no manner of caution observed in keeping this conspiracy a secret.

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As the general opinion of the kingdom had decreed a great share in the restoration of their king to the Duke of *Hamilton*, so our author scruples not to let the world know, that letters were sent from the *pretender* to that Duke and Earl *Marshall*, by the mediation of one *Hookes*, an agent from the court of *St. Germain's*, but, from some jealousies and disgusts, chose to convey their sentiments to *Middleton* by another hand.

Happy was it for the tranquillity of *Scotland*, that two great men, equally engaged in the conspiracy, should, through emulation and jealousy of each other's power, keep upon the reserve, and each affecting the prime direction of that great affair, propose to make a superiour merit; by which means, the communication, between them was cut off, and the mutual confidence weakened, which was absolutely requisite to a design of that extent.

None, I presume, hereafter, will arraign the ministry in *England*, at that time, of severity, for laying the Duke of *Hamilton* under a modest restraint: After this famous memoir writer has affirmed, that the said lord was so bent upon the restoration, as they termed it, that he had determined even to break through the messenger's hands to his king, with a guard of horse which were to be sent to his relief.

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Such discoveries from the author of these memoirs, who was, upon the main secret, entrusted with the conduct of the most important affairs relating to it, and who cannot be imagined so flagrant in his malice, as to relate each circumstance and punctuality, in so solemn a manner, against his friends and confederates in treason, must be credited by bigots of the rankest credulity.

After so frank a declaration, we defy the faction, with the most studied sophistry, to reconcile their allegiance and duty they so much boasted of to *Queen Anne*, to the *active obedience* they shewed to the *pretender*, under the title of their king, or satisfy any *revolution protestant*, why any *toleration* should be granted to the *Scotch episcopalians*, after such notorious perjuries, collusions, mockeries of God, and abuses of the queen's clemency.

And if a rebellion of that *black dye* was carried on against a queen of the greatest indulgence to their follies, and who was wickedly represented by them, as having concealed inclinations to serve their interest, and keep the crown in trust for their king, what rancour, what hellish malice may not King *George* expect from a faction who put their country in a flame, to oppose his succession, and were reducing it to an heap of ruins, to prevent his being sovereign of the soil?

MEMOIRS



MEMOIRS

CONCERNING THE

A F F A I R S

OF

SCOTLAND, &c.

AFTER King *James* had retired out of *England*, and the Prince of *Orange* was declared King, a convention of estates was called in *Scotland*, and met at *Edinburgh* on the 14th of *March*, 1689; which in a little time declared, that King *James* having, in several points, violated and infringed the fundamental constitution of this kingdom, had

A short account of the revolution.

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thereby

thereby forfeited his right to the crown ; and that the throne was become vacant ; and immediately settled the crown upon the Prince and Princess of *Orange* during their lives, and the heirs of their bodies, which failing, to Princess *Anne*, and the heirs of her body, as it is contained at large in the instrument of government framed by them, and called *The Claim of Right* ; and according thereto, *William* and *Mary*, Prince and Princess of *Orange*, were proclaimed King and Queen of *Scotland*, on the 11th of *April*, 1689.

At the commencement of this convention, there was a very considerable party in it, that designed to adhere to, and support King *James's* interest ; but jealousies and animosities arising amongst them, and several other unfortunate accidents happening, they were obliged to yield to that violent torrent which rushed down upon all such as had the least regard for the royal family, and withdrew from the convention.

The Viscount *Dundee*, and some others, betook themselves to arms, but most of them retired home to their country houses : But certain it is, had they been unanimous amongst themselves, they were strong enough to have opposed the *fanatick party* ; and crossed them in
most

most of their designs, with relation to both church and state. The opinion likewise, that matters could not long stand in the present posture, induced many of the *royalists* to shun being elected members of that convention, not desiring to homologate any of the Prince of *Orange's* actings, and thereby many more of the *fanaticks* came to be elected than otherwise would have been.

The *revolutioners* being sensible of this, and afraid to call a new parliament, lest the *royalists*, seeing whither they were driving, should lay aside their scruples, and stand candidates for being elected, had recourse to a shift altogether, I shall say no worse, unprecedented in this kingdom; and that was to pass an act, on the 5th of *June*, 1689, warning the convention of estates into a parliament. In which *William* Duke of *Hamilton* represented the king's person as commissioner.

Next year the parliament met again (the Earl of *Melvil* commissioner) repealed the act of supremacy, abolished episcopacy, and established presbytery (not pretending it was agreeable to the word of God, but) as suited to the inclinations of the people: And to prevent the designs of the *Royalists*, in being elected in the room of any vacancies

The convention metamorphosed into a parliament.

Parliament meets 1690.
Melvil commissioner.
Repeals the act of supremacy.
Abolishes episcopacy.
Establishes presbytery.

Imposes the
assurance.

that should happen in parliament, they framed a test, (called *the assurance*) where they declared before God, that they believed King *William* and Queen *Mary* to be King and Queen of this kingdom *de jure* as well as *de facto*, and engaged to defend their title, as such, with their lives and fortunes; which declaration they required all persons capable to elect, or be elected members of parliament, and all in any publick trust or office, civil or military, or ecclesiastical, to sign, together with the oath of allegiance, under the penalty of deprivation.

To these abovementioned unfortunate jealousies of the *royalists*, the turning the convention into a parliament, and the framing and imposing this *assurance*, may be imputed the difficulty that has been since found in opposing the *fanatick* and *court-parties* designs and projects. For having once settled the government, as they pleased, and got a parliament, which consisted entirely of a set of men of their own stamp and kidney (being mostly old forfeited rebels, and gentlemen of no fortunes, respect, or families in the kingdom) they took care to continue that very parliament all King *William's* reign, and even a part of Queen *Anne's* too.

Thus

Thus they went on as they listed, till ^{Heats and parties in Scotland, and why.} at last it pleased God to open the eyes of several, who, at first, were as blind and far seduced as any: And the first vigorous appearance we find made against the court-measures, was in behalf of the colony of *Darien*. The parliament met the 19th of *July* 1698, the Earl of *Marchmont* being commissioner, and the company presented an address, setting forth the indignities they had received from *England*, and craving the parliament would fall upon ways and means to repair the losses they had thereby sustained. This raised a hot debate in the house; the courtiers defending the King: And the *country-party*, which then began to get that title, attacking and exposing these proceedings, at last prevailed, and carried an address to the King, representing the nation's concern in the prosperity of the company; and craving he would protect them in their just rights and privileges. The parliament having once taken the company by the hand, the scandalous and barbarous treatment which the nation afterwards received from *England* on that account, and the tricks and compliance of our statesmen, with all the measures *England* did propose for our loss and prejudice, so inflamed this nation with resentment, that

that in the parliament which met *May* the 21st, 1700, the Duke of *Queensberry* commissioner, they banged and forced the court to pass several good laws, which tended much to the advantage of the nation.

Thus stood affairs, and the nation was in this temper when King *William* died.

Queen Anne
succeeds.

Cavaliers
pleased.

Presbyterians
displeased.

Queen Anne succeeded, and was proclaimed on the — day of *March*, 1702, to the great satisfaction of all those who were well-wishers to their country, and especially to the *cavaliers*, who expected mighty things from her: But on the other hand, the *presbyterians* looked on themselves as undone, despair appeared in their countenances, which were more upon the melancholick and dejected air than usual, and most of their doctrines from the pulpits, were exhortations to *stand by, support, and be ready to suffer for Christ's cause*, (the epithet they gave their own.) They knew the Queen was a strenuous asserter of the doctrine of the church of *England*. They were conscious how little respect the great men of their faction had paid her, during the late reign. They saw the church party was preferred to places and favour in *England*. They knew the *Scots* nation, especially the nobility and gentry,

gentry, were much disgusted at them, because of their promoting the court interest in the last reign, against that of the country; and upon these and such like accounts, dreaded a storm impending over their heads.

At the time of King *William's* decease, State of the ministers of state at King *William's* decease. the government was lodged in the hands of a set of men entirely on the revolution foot, the Earl of *Marchmont* was chancellor, Earl of *Melfort* president of the council, Duke of *Queensberry* privy-seal, Earls of *Seafield* and *Hyndford* secretaries of state, Earl of *Selkirk* register, *Adam Cockburn*, of *Ormiston*, treasurer-deputy, Sir *John Maxwell*, of *Pollock*, justice clerk, Sir *James Stuart* advocate. The lords of the treasury were all (except the Lord *Montgomery*) of the same stamp; and generally speaking, few or none were admitted to any post, civil or military, but such as were of undoubted *antimonarchical principles*, and ready to sacrifice their honour, conscience, and country to the court designs, which absolutely depended on the *English ministry*, and were determined according to the *English measures and maxims*.

The funds allotted to support the army being near expired at King *William's* decease, there was a necessity to have a parliament in the Summer. A session of parliament necessary.

The

The revolutioners consultations and project thereupon.

Likewise the cavaliers and country-parties.

D. of Queensberry commissioner.

The revolutioners were afraid to venture on a new one, lest, (as was observed before) the number of the *country-party* and *cavaliers* should increase, and therefore they used their utmost efforts to persuade the Queen to continue the former, though no instance could ever be given of the surviving of a parliament after the decease of the monarch, by whom it was called, and besides it is inconsistent with the very nature and constitution of the *Scots* parliament: And therefore the Duke of *Hamilton*, Marquis of *Tweeddale*, Earl *Marshall*, *Roths*, and a great many of the chief nobility and gentry, went to *London*, and laid before her Majesty, the unreasonableness of such a project; but all to no purpose, for her Majesty did not hearken to their remonstrance and advice; but whether for fear of offending, and irritating the *presbyterian-party* (whose power was mightily magnified to her, or because they were more submissive, and ready to truckle under the *English* ministry, and comply with every state-measure that could be proposed to them, I know not) was prevailed upon to continue the former parliament; and in order thereto, issue out a proclamation appointing it to meet on the 9th of *June* 1702, and named *James Duke of Queensberry* to be high commissioner thereto; He

He was the son of *William Duke of His character, Queensberry*, who was highly in favour with both King *Charles* and King *James*, and by them intrusted with the greatest offices and employments (which he well deserved, being in all respects a great man) but after the revolution, he retired and lived privately for the most part, and continued firm to King *James's* interest all the time he lived; but the son, notwithstanding King *Charles* and King *James's* kindness to his father and family (through which he was created a duke, and scraped together a vast fortune) and the respect and favour which King *James* had all along bestowed on himself, was the first *Scots Man* that deserted over to the Prince of *Orange*, and from thence acquired the epithet (amongst honest men) of *Proto Rebel*, and has ever since been so faithful to the revolution party, and adverse to the king and all his adherers, that he had laid hold on all occasions to oppress and depress the loyal party and interest: having thus made his first appearance in the world, by deserting his king and benefactor, we are not to expect he will prove more faithful to his country, and had he deserted her, as he did the former, it would have been happy for us; but alas he stuck close by her, and never left her, until he

he had ruined her to all intents and purposes ; having undertaken and promoted every proposal and scheme for enslaving *Scotland*, and invading her honour, liberty, and trade, and rendering her obsequious to the measures and interest of *England*. And this proceeded, I suppose, from his being of a lazy, easy temper ; and falling at first into bad hands, he was seduced by them, and being once deeply dipt in all projects against the king and country, he never could imagine that repentance and amendment would be accepted of, (the frequent effects of a hardened conscience) and that he was safe against an after-reckoning : he was reputed a man of good parts, but wanted application to business ; was extremely covetous, and, at the same time, extremely lavish of his money ; for though he got vast sums of money by his publick employments, most of it was squandered away. He was well-bred, and had so courteous a behaviour, that what by this, and the occasion of doing acts of kindness, by having the chief administration of affairs a long time in his hands, he engaged the favour and friendship of very many of all ranks of people, and entirely managed the *revolution party*, and such as were willing to prostitute themselves to serve the court measures. To outward appearance,

pearance, and in his ordinary conversation, he was of a gentle and good disposition, but inwardly a very devil, standing at nothing to advance his own interest and designs. Though his hypocrisy and dissimulation served him very much, yet he became so very well known, that no man, except such as were his nearest friends, and socy-criminis, gave him any trust; and so little regard had he to his promises and vows, that it was observed and notour, that if he was at any pains to convince you of his friendship, and by swearing and imprecating curses on himself and family, to assure you of his sincerity, then, to be sure, he was doing you underhand all the mischief in his power. To sum up all, he was altogether void of honour, loyalty, justice, religion and ingenuity; an ungrateful deserter of, and rebel to his prince, the ruin and bane of his country, and the aversion of all loyal and true *Scots Men*.

But now to return to the parliament: as soon as the house was convened, the Duke of *Hamilton* desired to be heard, and in his own name, and the name of those that adhered to him, spoke as follows.

‘ We are come here in obedience to her
‘ majesty’s command, and we are all
‘ heartily

The Duke of
Hamilton’s
speech in par-
liament.

' heartily glad of her majesty's happy ac-
 ' cession to the throne, not meerly on the
 ' account that it was her undoubted right,
 ' as being lineally descended from the
 ' ancient race of our kings; but like-
 ' wise because of the many personal vir-
 ' tues, and royal qualities her majesty
 ' is endowed with, which gives us ground
 ' to hope we shall enjoy under her auspi-
 ' cious reign, all the blessings that can at-
 ' tend a nation, which has a loving and
 ' gracious sovereign, united with a du-
 ' tiful and obedient people; and we are
 ' resolved to sacrifice our lives and for-
 ' tunes in defence of her majesty's right,
 ' against all her enemies whatever,
 ' and have all the deference and re-
 ' spect for her majesty's government
 ' and authority, that is due from loyal
 ' subjects to their rightful and lawful
 ' sovereign: but at the same time, that
 ' we acknowledge our submission to her
 ' majesty's authority, we think ourselves
 ' bound in duty, by virtue of the
 ' obedience we owe to the standing
 ' laws of the nation, and because of
 ' the regard we ought to have for the
 ' rights and liberties of our fellow sub-
 ' jects, to declare our opinion, as to the
 ' legality of this meeting, viz. That
 ' we do not think ourselves warrant-
 ' ed by law to sit and act any longer
 ' as

' as a parliament, and that by so doing
 ' we shall incur the hazard of losing our
 ' lives and fortunes, if our proceedings
 ' shall come to be questioned by subse-
 ' quent parliaments.' Then his grace
 His and other
members dis-
sent from the
parliament.
 read a paper, which contains the reasons
 of their dissenting from the proceedings
 of the other members, who thought
 themselves impowered to sit and act as
 a parliament, and is as follows :

*Forasmuch as by the fundamental laws
 and constitution of this kingdom, all par-
 liaments do dissolve by the death of the
 king or queen, except in so far as inno-
 vated by the 17th act 6th session of
 King William's parliament last in being,
 at his decease to meet and act what should
 be needful for the defence of the true pro-
 testant religion, as now by law established,
 and maintaining the succession to the crown,
 as settled by the claim of right, and for
 preserving and securing the peace and
 safety of the kingdom, and seeing that the
 said ends are fully satisfied by her ma-
 jesty's succession to the throne, whereby
 the religion and peace of the kingdom are
 secured, we conceive ourselves not now
 warranted by the law to meet, sit, or
 act, and therefore do dissent from any
 thing that shall be done or acted. And
 thereupon his grace took instruments,
 and*

and craved an extract of his protestation, and seventy nine members, of the first quality, and best estates in the kingdom, adhered thereto, and all withdrew out of the house, and left the other part to sit and act by themselves. As the Duke of *Hamilton*, and the other dissenting members, passed in a body from the *Parliament House* to the *Cross-Keys Tavern*, near the *Cross*, they were huzza'd by the acclamations of an infinite number of people, of all degrees and ranks. These dissenting members sent up my Lord *Blantire* with an address from them to the queen, shewing their reasons for this their procedure, which her majesty positively refused to receive, but allowed my Lord *Blantire* to wait upon her.

Address the
queen.

Proceedings
of parliament.

In the mean time the parliament went on, and the first thing they set about, was to preserve themselves, by passing an act, declaring this session to be a lawful and free meeting of parliament, and discharging any person to disown, quarrel, or impugn the dignity and authority thereof, under the penalty of high treason. Yet when the taxes, they afterwards imposed came to be uplifted, near one half of the nation refused to pay the same, and they were raised by quartering of soldiers, poynding of goods,

Imposes
taxes.

goods, and the like methods usual in cases of deficiency. Next the parliament proceeded to frame an act recognizing her majesty's authority; and another for the security of the *presbyterian* kirk government: And *Alexander Bruce*, upon account of a speech made against the same, wherein, among other things, he affirmed that *presbytery* was inconsistent with *monarchy*, was expelled the house. The dean and faculty of advocates having passed a vote among themselves, in favour of the foresaid protestation and address of the dissenting members, declaring they were founded upon, and in the terms of the laws of this kingdom, were upon that account, charged and pursued by my lord advocate before the parliament; where, after several long debates upon the matter, they were severely reprimanded: But it had been much better for the government, they had not taken any notice of it, for the nation was enraged to see a learned and venerable society attacked for declaring their opinion (who are certainly the best judges) in a point of law, which so nearly concern the foundation and constitution of the parliament, and consequently the liberty and right of the subject.

Dean and faculty of advocates arraigned.

Reprimanded.

Thus the parliament proceeded peaceably

The states-
men divided
upon it.

ably and calmly within doors (they being all one man's brains, as we say) until the *Earl of Marchmont*, from an headstrong overgrown zeal, against the advice of his friends, and even the commands of my lord commissioner, presented an act for imposing an oath abjuring the prince of *Wales*, in the most horrid scurrilous terms imaginable. This divided the house, and raised great heats amongst the members, many of the courtiers being desirous the *dissenting members* would return to the house, to assert them in opposing it, and in case it had gone on, they would have come for that end.

It may be thought strange, that this act did not pass currently in such a strangely made up meeting, and when such eminently famous and zealous *revolutioners* were at the helm of affairs, and acted, without any to control them: And I presume the reasons were, *first*, The commissioners had no instructions concerning it. *Secondly*, The uncertainty how affairs would go in *England*; the queen was but newly come to the crown, and not well fixed in the throne, and they foresaw they might expect little thanks, if she afterwards should favour the interest of the distressed royal family.

And

And I have reason to believe, that the Queen and her *English* ministry were then inclined to keep the succession in *Scotland* open, as a check, and awe-band upon the *whigs*, and family of *Hanover*. And, *lastly*, (as they pretended afterwards in *England*) That parliament's title to act was controverted, and had so little authority in the nation, as it was not fit to venture upon it, there being reason to believe few would have complied with it, and every body almost been highly disgusted. For these, and the like reasons, it is possible, I say, the commissioners, and other courtiers, resolved to wave entering upon this matter. And therefore when the day came in which it was to be under the house's consideration, my lord commissioner cut them short and made the following speech.

‘ The chearfulness and unanimity of
 ‘ your proceedings, in this session of par-
 ‘ liament, in recognizing her majesty’s
 ‘ royal authority, securing the Protef-
 ‘ tant religion, and *presbyterian* govern-
 ‘ ment, and expeding the other acts
 ‘ that have been made for her majesty’s
 c service,

' service, and the good and safety of the
 ' kingdom, will, I am persuaded, be
 ' very acceptable to her majesty, and
 ' satisfying to all her good subjects; and
 ' I do assure you, is very obliging to
 ' me: But I must regret, that when I
 ' was expecting, we should have part-
 ' ed in the same happy manner, a pro-
 ' posal which I had some ground to
 ' think was laid aside, was offered, to
 ' my surprise, as well as that of her
 ' majesty's other ministers, which oc-
 ' casioned some debate and difference
 ' in the house: My early engagement
 ' and firm adherence to the established
 ' government, is so well known, that
 ' none can doubt my readiness to enter
 ' into all measures for her majesty's ser-
 ' vice, and secure our happy settlement,
 ' according to the claim of right; and
 ' I am confident you are all of the same
 ' mind: Since then we are all perfectly
 ' the same, as to our dutiful and faithful
 ' adherence to her majesty, and that the
 ' claim of right is our unalterable secu-
 ' rity, I judge it fit for her majesty's ser-
 ' vice, and your own interest, to pre-
 ' vent further contest and debate amongst
 ' persons, I know to be entirely so well
 ' affected to her majesty, and for whom
 ' I have

I have all imaginable honour, to dis-
 miss this session of parliament: We
 have had no particular acts or ratifica-
 tions, that do require an act *Salvo*;
 and I do render you hearty thanks, in
 her majesty's name, for the loyalty
 you have testified by your publick acts,
 and which I shall be careful to report
 to her majesty, and shall only recom-
 mend to you, to let the country know
 the gracious assurance her majesty has
 been pleased to give us, and to dispose
 them to their duty, and to comply
 with her majesty's royal intentions for
 their own welfare and happiness. And Adjourns the
parliament.
 thus I do, in her majesty's name, and
 by her authority, adjourn this parlia-
 ment till the 18th of *August*, which
 my lord chancellor is to declare in the
 usual form.

And so we take our leave of this mon-
 strous parliament, which, from a con-
 vention, was metamorphosed and tran-
 substantiated into a parliament, and when
 dead, reviv'd again, and all this, to sup-
 port the interest, and continue the domi-
 nion of a set of men, that would, not-
 withstanding their pretended zeal for the
 liberties

liberties of their country, break in upon the same, by overturning and trampling upon the most nice and sacred part of our constitution, the greatest preservative and bulwark of all that is near and dear to a free people.

But to wave this digression; as soon as the parliament was adjourned, away flew the leading-men of all the different parties, to make their several representations to the Queen, and her ministers of *England*.

Alterations
in the court of
Scotland.

The Queen still continued to bestow her favours on the church-party in *England*, and alterations were made in *Scotland*, though not so much in behalf of the *cavaliers*, as could have been wished, yet more for their's than their adversaries advantage; which had this effect, that it encreased their hopes of seeing better days; but as much displeased the *presbyterians*; as if their all had been taken from them. Earl of *Marchmont* chancellor, Earl of *Melvil* president of the council. Earl of *Selkirk* register, *Adam Cockburn*, of *Ormiston*, treasurer deputy, Sir *John Maxwell*, of *Pollock*, justice clerk, Earl of *Leven*, governor of the castle

castle of *Edinburgh*, and the Earl of *Hyndford*, one of the secretaries of state, were all laid aside : The Duke of *Queensberry*, and Viscount of *Tarbot*, were made secretaries of state ; and the Earl of *Seafield* removed from thence, and made chancellor ; Marquis of *Annandale* president of the council, Earl of *Tullibardin* (now Duke of *Athole*) lord privy-seal, Lord *Boyle*, treasurer deputy. Mr. *Roderick M'Kenzie*, of *Preston-Hall*, justice clerk, Sir *James Murray*, of *Philiphaugh*, lord register, and the Earl of *March* governor of the castle of *Edinburgh*. And though it is true all these (excepting the Earl of *March* of *Preston-Hall*) had been deeply enough engaged, at or since the *revolution*, against the loyal interest, yet the Duke of *Queensberry*, and his two dependants, the Lord *Boyle*, and Sir *James Murray*, of *Philiphaugh*, pretended to be quite of another mind : *Athole*, *Seafield*, and *Tarbot* valued themselves, for having each of them, once in their life, opposed King *William* : And the Marquis of *Annandale*, every body believed, would, if kindly dealt with, go along with the prevailing party.

But

New elections
for a *parlia-*
ment.

Earl of *Seaford* traffick-
ing.

But some time before this change in the ministry was perfected, the scrumpness of the funds imposed by the rump parliament, and the difficulties they found in collecting them, rendered it absolute necessary to call a parliament, to sit in the Spring 1703; and therefore the Earl of *Seaford* (then secretary) came down from *London* to influence the elections of the members of parliament, which upon the dissolution of the old rump, were to be made at the following *Michaelmas*, 1702; and here it will not be much out of the way, to give a particular account of this gentleman, since he had so great a share in many of the transactions of this kingdom.

His character.

James Earl of *Seaford*, was the son and heir of the Earl of *Finlater*, at this time alive: In his younger years, his father's family being very low, and his elder brother alive, he was bred a lawyer, and entered and continued an advocate with a good reputation. In the convention 1689, he was much taken notice of by reason of a speech he made against the forfeiting of King *James*; but

but he did not long continue in these measures; for, by *William* Duke of *Hamilton's* means, he was made solicitor to King *William*, and enjoyed that office several years; during which time he prosecuted his employment to good purpose, and made a fair estate. In the year 1696, he was called to court to be one of King *William's* secretaries of state, and indeed it must be owned he served him very faithfully, consenting to, and going along with any thing demanded of him, though visibly against the interest of his country, and trimmed and tricked so shamefully in the affair of *Darien*, that he thereby, from being generally well beloved, drew upon himself the hatred of all who wished well to that glorious undertaking. He was believed to be of loyal enough principles, but had so mean and selfish a soul, that he wanted both resolution and honesty enough to adhere to them, which evidently appeared from his changing sides so often, and cleaving to that party he found rising. People were willing to excuse, at least extenuate his first faults, because of the lowness of his worldly

worldly circumstances; but after he had raised them to a considerable height; and had a fair occasion of retrieving his reputation, when he joined with the *cavaliers*, in the parliament 1703, to leave them so basely, and meanly as he did, is altogether inexcuseable. He was finely accomplished; a learned lawyer; a just judge; courteous, and good-natured; but withall, so intirely abandoned to serve the court measures, be what they will, that he seldom or never consulted his own inclinations, but was a blank sheet of paper, which the court might fill up with what they pleased. As he thus devoted his honour and principles, so he likewise easily deserted his friend, when his interest led him to it, (which was the only thing on earth he was ever firm and stedfast to) a notable instance of which, was his ingratitude to Sir *James Ogilvy*, of *Boyn*, and his family, who had been at the charge of educating him at the schools and colleges at home; and of sending and maintaining him abroad, studying the law; and being a lord of the session in King
James's

James's time, patronized and protected him when he entered lawyer.

But to return where we left off; Court politics. the great and main design of the court at the time of the elections, was to get the legality of the last controverted session of the *rump parliament* asserted in the ensuing parliament, and therefore the *Earl of Seafeld* did assure all such as he knew to be of loyal principles, that the queen was resolved to take their cause by the hand, would trust the government to their management, and take care of both the distressed royal family and church; and with horrid asseverations, and solemn vows, protested he would join and stand firm to the interest of both: This took with most of that persuasion; but, alas! they were not so provident as the *presbyterians*, who (let their several affections to the court or country be as they will) where they had the plurality, never chose any, but such as were true blue. On the other hand, the *cavaliers* went into, and elected several *presbyterians*; and, even in some places,

Their bad,
and the *pres-*
byterians good
conduct.

Duke *Hamilton's* part
therein.

A general
character of
the *cavaliers*
the *presbyteri-*
ans.

ces, opposed the electing of those who were known to be as well inclined to the royal family and church, and of as good a character and reputation as any in the kingdom; and being thus divided in the beginning, it was a wonder they made not a smaller figure than they did in the ensuing parliament, though they joined together, and acted one part; but the cause of this must be chiefly attributed to Duke *Hamilton*, for the difference and disorder between him and the Duke of *Queensberry* were so great, that whilst the other was at the helm of affairs, he could not be induced to comply with those measures the queen proposed, though attended with much advantage to the cause he had always stood up for, and really wished well to; and finding the *cavaliers* inclined to serve and trust the queen, he divided them, and opposed many of their elections with all his might; however he soon and often repented it, and they have since seen and smarted for their error: But this is a rock often the *cavaliers* (but never the *presbyterians*, have split upon; and the reason, as I take

take it, from whence this comes, is that the former being (I say it impartially) of generous spirits, and designing good and just things, believe every other man is so too, and are not at such pains as is necessary to cement a party's councils and measures together; whereas the *presbyterians*, acting from a selfish principle, and conscious of their ill actions and designs, are, like the devil himself, never idle, but always projecting, and so closely linked together, that all go the same way, and all either fall or stand together.

The former practice is certainly more noble, and less politick, and ought never to be prosecuted, until we are convinced of a general reformation of minds and manners; which I am sure this age cannot in the least pretend to.

Having so far digressed before, I return to where I left off, it will not be amiss to let my reader know that,

James

Duke of *Hamilton's* character.

James Duke of *Hamilton* was the son of *William* Earl of *Selkirk*, second son to the Marquis of *Douglafs*, who after his marriage with *Anne*, daughter to *James* the first Duke of *Hamilton*, and heiress of both the estate and honours of *Hamilton*, was likewise created Duke of *Hamilton*, during his father's life; and even, for some time after his decease, he was designed Earl of *Arran*; but in the year 1701 his mother made a resignation of the honours to King *William*, in favour of her son, which were accordingly bestowed on him.

After his return from his travels, he remained for the most part at court, where he was a gentleman of the bed-chamber, and in great favour with both King *Charles* and King *James*. At the time of the late revolution, he had the command of a regiment of horse, was brigadier general; and amongst the small number of those that continued faithful to their unfortunate sovereign, never leaving him till he went to *France*, and then returning to *London*, he gave a proof, in a meeting

meeting of the *Scots* nobility and gentry, that he was a faithful and loyal subject : But after King *William* was established on the throne, he retired, was ready to have commanded in the north of *England*, had not my Lord *Dundee's* death, and some other fatal accidents prevented that design : was several times imprisoned, and much harassed upon account of his loyalty.

In the year 1690 the oppressions which his native country received from *England*, particularly in their affair of the colony of *Darien*, called him to attend the parliament, in which, with great dexterity, he framed a party very considerable for numbers and power (though it was King *William's* own packed-up parliament) that stood firm to the interest of the country, and asserted the independency of the nation. Had not his loyalty been so unalterable, and that he never would engage in King *William*, and his government's service ; and his love to his country induced him to oppose that king, and *England's* injustice and encroachment upon it, no doubt he had
made

made as great a figure in the world, as any other whatsoever, and that either in a civil or military capacity; for he was master of an heroick and undaunted courage; a clear, ready, and penetrating conception, and knew not what it was to be surprized; having at all times, and on all occasions, his wits about him; and though in a parliament he did not express his thoughts in a style altogether eloquent, yet he had so nervous, majestic; and pathetic a method of speaking, and applying what he spoke, that it was always valued and regarded: never was a man so well qualified to be the head of a party, as himself; for he could, with the greatest dexterity, apply himself to, and sift through the inclinations of different parties, and so cunningly manage them, that he gained some of all to his; and if once he had entered into a new measure, and formed a project (though in doing thereof he was too cautious) did then prosecute his designs with such courage, that nothing could either daunt or divert his zeal and forwardness.

The

The *cavaliers*, and these of the country party, had a great opinion and honour for him, and that deservedly; for it is well known, he often refused great offers, if he would leave them; and was by his excellent qualifications, and eminent station and character, absolutely necessary both to advise and support them; he wanted not a share of that haughtiness, which is in some measure inherent to his family, though he was most affable and courteous to those he knew were honest men, and in whom he confided: he was extremely cautious and wary in engaging in any project that was dangerous; and it was thought, and perhaps not without too much ground, that his too great concern for his estate in *England*, occasioned a great deal of lukewarmness in his opposition to the union, and unwillingness to enter into several measures that were proposed to prevent the same. But his greatest failing lay in his being somewhat too selfish and revengeful, which he carried along with him in all his designs, and did thereby several times prejudice the cause for which he contended: and to these two failings, any wrong steps he shall

shall be found to make are solely to be attributed. But since it is certain, there is no mortal without some imperfection or other, and that his were so small and inconsiderable, in respect of his great endowments and qualifications, we may well enough pass them over, and conclude him a great and extraordinary man; and whensoever a loyal and true *Scotsman* will reflect upon his actions, he cannot fail to admire and love him for the services he did his king and country, and number him among those worthies, whose memoirs ought ever to be revered in *Scotland*.

But now it is high time to consider where we left off. After the elections were over, the Earl of *Seafield* returned to *London*, and a little thereafter, the above-mentioned alterations of our statesmen were actually effected.

But ere, or before I leave the old set of ministers, I must remember, that upon dissolving the old rump parliament, the Earl of *Marchmont* and his crew being baulked of their darling abjuration and still dreading the *cavaliers*,
framed

framed in council an explanation of the *assurance*, by changing the engagement to defend the queen, against the late King *James*, and all her enemies, and to the pretended prince of *Wales's* assuming the title of King *James* the eighth, and ordered it to be signed for the future in that form, in hopes thereby to have sacred the *cavaliers*.

The council explains the assurance.

The Earl of *Seafield* returned again to *Scotland*, about the beginning of *February* 1703, being then chancellor, full freighted with assurances of the queen's design to support the *cavaliers*, who all resorted to, and were extremely caressed by him, and then it was you would have heard him say, *the Graham's and Ogilvy's were always loyal*: But in a short time thereafter, they proved the very reverse, as you will hear anon; he brought down a new commission of council with him, wherein many the *rotten fanaticks* were left out, and *cavaliers* put in their places. An act of indemnity was granted to all that had been enemies to the government, and guilty of treason, since the *revolution*, and liberty allowed them to come home

Earl of Seafield made chancellor.

A new commission.

An act of indemnity.

The queen
recommends
the *episcopal*
clergy to the
council.

Duke of
Queensberry
demands of,
and promises
to the *cava-*
liers.

home within a certain limited time, and a letter was produced from the queen to the council, recommending the care of the *episcopal clergy* to them, and we were told every day, that she designed to bestow the bishops rents upon them, and thus affairs went pleasingly on (and no wonder the *cavaliers* were elevated when the Duke of *Queensberry* (who was declared commissioner to the ensuing parliament) and the other statesmen came from *London*, and, with all the oaths and imprecations imaginable, assured the *cavaliers* of the sincerity of the queen's and their designs to serve and promote their interest, required nothing from them, but to assert the legality of the last parliament, recognize her majesty's title and authority, and grant subsidies for the support of the army; and in requital, promised they should be taken into, and have a large share in the management of the government, a toleration be granted in parliament to the *episcopal clergy*, and nothing be required of them, or even pass in parliament, that did in the least ratify what had passed since the year 1689. This the Duke of *Queensberry* declared he was instructed and commanded

manded by the queen to promise unto them; and for his part, with a thousand oaths and protestations, assured them he would be faithful to them; but how he kept his word and vows the following account will illustrate.

At the time when the parliament met there were different parties or clubs, first, the *court party* and these were subdivided into such as were *revolutioners*, and of *anti-monarchical principles*, and such as were any thing that would procure, or secure them in their employments and pensions, and these were directed by the court in all their measures. Secondly, the *country party*, which consisted of some (though but few) *cavaliers*, and of *presbyterians*, of which the Duke of *Hamilton* and the Marquis of *Tweeddale* were leaders. Thirdly, the *cavaliers*, who, from the house they met in, were called *Mitchel's Club*, of whom the Earl of *Hume* was the chief man: All these had their several distinct meetings, consultations, and projects, and made up that parliament which met on the third day of *May*, 1703.

Different parties in the ensuing parliament.

Parliament meets.

The queen's letter, the commissioners and chancellor's speeches to the parliament, tended chiefly to assure the house, of her gracious inclinations towards her ancient kingdom, recommending unity, and craving supplies.

Her majesty's
title recogniz-
ed.

The first matter of moment under the houses consideration, was an act presented by the Duke of *Hamilton*, recognizing her majesty's title and authority, and declaring it high treason to disown, quarrel, or impugn her title to this crown: And my Lord *Advocate* presented a clause declaring it high treason to impugn, or quarrel exercise of the government, since her actual entry thereto, which he craved might be added to his grace's act. This the Duke of *Hamilton*, and all his party opposed vigorously, since it ruined their project of asserting the illegality of the former *rump parliament*. The court again pressed the addition of the clause as a most material point, since they knew it saved them from what they dreaded most; and therefore, that unless something could be particularized that was amiss in the administration of

of her majesty's affairs, her majesty had all the reason in the world to expect this from her first parliament. To which Duke *Hamilton* and his adherers made no positive reply, shifting to enter upon the main of their drift at that time, not knowing what support they would find in the house, and willing to keep it up as a reserve wherewithall to keep the court in awe: so at last, by the concurrence of the *cavaliers*, (or, more properly, *Mitchel's club*) the clause was added to the act by a considerable majority, and then the act itself was approved.

Many at that time, and the Duke of *Hamilton* ever since, have blamed the *cavaliers* for complying with the court in this point; and in my opinion, they may easily be justified, considering that this was the particular piece of service the queen demanded of them, in recompence of the great things she promised to do for them; and with what confidence could they have expected to be admitted into her favour, and entrusted with the administration of affairs, if they had opposed her in it; if she and her servants

Their conduct in this blamed.

vants broke their engagements afterwards to them, that was not their fault, but if they had flown so entirely in her face, it would have justified her future conduct, at least have been a rare handle to have infused a jealousy in the queen, that they were no further inclined to serve her than suited with, and tended to, their own particular designs. It is true indeed, had the *cavaliers* joined with the other party, this clause had been rejected; in which case it is more than probable, that the parliament would have been blown up, for the court would not have dared to stand it out any longer; but what did this avail either the royal interest, or that of the country? a parliament was needful for procuring some acts in favour of both, which the *cavaliers* aimed at; perhaps it might have ruined the Duke of *Queensberry*, and his set of ministers: but what signified that to the *cavaliers*, since, (as we saw afterwards) the government would be lodged in other hands that were as much, if not more, their enemies? so that the question comes to this narrow compass: whether the
cavaliers

cavaliers had most reason to trust the queen; and those she impowered to treat with them, or a set of men made up of all sorts of parties some few *cavaliers*, but mostly *presbyterians*, *revolutioners*, and *disgusted courtiers* who had opposed the *cavaliers* being elected members of parliament? I must acknowledge, if they had suspected what was to follow, and acted as they did, there might have been some ground to censure them; but as matters stood then, they had all the reason in the world to do as they did.

From these, and such consideration, the *cavaliers*, in a full conveniendum, (after the abovementioned affair was over) unanimously resolved to serve the queen: and to shew their inclinations agreed that the Earl of *Hume* should next day move in parliament, a supply to her majesty, which they were all to second, and upon these accounts, the Duke of *Queensberry* did again renew his engagements to stand firm to them, and inform the queen what signal service they had done her; but this good correspondence did not last

Their further
resolutions

last long, for in two or three days time it begun to lessen, and his grace's deportment induced many to support his integrity.

Duke of
Queensberry
betrays the
cavaliers.

The reasons
how it came
about.

The great hazard being now over, such of the court as were upon a high-flown revolution foot, begun to think how they could best secure their own, and disappoint the *cavaliers* game: it is hard to determine whether or not the Duke of *Queensberry* did from the beginning design to act so foul a part; for my own share, I do believe he was once seriously embarked with the *cavaliers*; and I was informed by a person of undoubted authority, that the reason why he changed, was as follows: That day in which the Earl of *Hume* designed to move for a supply, his grace called a council, and acquainted them of it, with which all agreeing, they adjourned, with a design to prosecute it; a few minutes thereafter the Duke of *Argyle*, Marquis of *Annandale*, and Earl of *Marchmont*, came to wait upon his grace, and withdrawing privately with him, one of them told him, the other two, and himself, had

had that morning met with a considerable number of parliament-men, where it was resolved to move for an act ratifying the *revolution*, and another the *presbyterian* government, and pres to have them preferred to the act of supply, which they were certain to carry; but first thought it fit to acquaint his grace with the design, and ask his concurrence. This his grace the commissioner begged them to forbear, because now he had an opportunity of obtaining a supply to her majesty, and if slipped at this time (as did happen) never again; and promised if this were over, to go into whatever they proposed; but still the others refused to comply, being rather willing that there should be no supply granted at all, than that it should proceed from the *cavaliers*; and thus they left the commissioner in a peck of troubles: Immediately he acquainted Sir *James Murray*, of *Philiphaugh*, with what had passed, (who was, by very far, the most sufficient and best man he trusted and advised with) and was answered by him, He well deserved it; for notwithstanding his own experience,
and

and his remonstrance to the contrary, he would have dealings with such a pack, and that this days work would create such difficulties, that he should not extricate himself out of them were he to live an hundred years, which truly came to pass. The commissioner, you may be sure, was much confounded, he durst not venture to push the act of supply, knowing the Duke of *Hamilton*, and his party, would join the Duke of *Argyle* and his, and so it would be rejected: So all that came of it was, The Earl of *Hume* made the motion, and it was ordered to lie upon the table: On the other hand, he foresaw what Sir *James Murray*, of *Philiphaugh*, intimated to him, That if he joined and supported the Duke of *Argyle* in his designs, the *cavaliers* would leave him, and so his interest be much diminished, and he be obliged to truckle and depend upon the Duke of *Argyle*, Marquis *Annandale*, and such others.

Whilst he was thus musing, and perplexed, the Duke of *Annandale*,
(who

(who had more interest with him than any other person) soon returned, and being privately alone with him, did so effectually represent the improbability of his succeeding by these methods he was then upon, since it was certain the Duke of *Hamilton* had, notwithstanding what had happened of late, more interest with the *cavaliers* than any other, and that as soon as they gained their point, a correspondence would soon again be commenced betwixt them, and he become the chief ruler of the roast: These, I say, and such representations, joined to the terror he was in, of the Duke of *Argyle* and the Marquis of *Annandale's* leaving him, so powerfully wrought upon him, that he resolved to desert the *cavaliers*. This matter of fact I have from so good hands, I dare ascertain the truth of it.

Having made so much mention of the Duke of *Argyle*, it will not be improper to give a more particular account of him.

Archibald

Archibald, Earl, afterwards Duke of *Argyle*, in outward appearance was a good-natured, civil, and modest gentleman; but his actions were quite otherwise, being capable of the worst things to promote his interest, and altogether addicted to a lewd profligate life: He was not cut out for business, only applying himself to it in so far as it tended to secure his court interest and politicks, from whence he got great sums of money to lavish away upon his pleasures; but when he set himself to it, no man was more capable, or could more quickly, and with greater solidity and judgment, dispatch it than himself; so that for want of application, a great man was lost. He was always an enemy to the loyal interest, and came over with the Prince of *Orange* to *England*, though King *James* had been kind to him, and given him hopes of being restored to his estate, which stood at that time under a sentence of forfeiture; but what other could be expected from a man that (to curry favour with King *James*) had renounced his religion, and turned *papist*?

pist? Notwithstanding which, and his constant vicious life and conversation, he was the darling of the *presbyterians*, being descended from, and the representative of a family that suffered for the *cause*, (as they termed it) and of great power in the country, and himself so involved in treason and rebellion, that they were confident he would never venture to leave them; and thus they supported one another, and he made a great figure.

But to return: When the Duke of *Queensberry* was brought over to enter into measures opposite to those of the *cavaliers*, he resolved, the better to carry on his designs, to dissemble as much as possible with them, but this did avail him very little; for no sooner did they perceive some of his friends and dependents, such as *William Alves*, and others, (who were known to be constant frequenters of the episcopal meeting-houses) appear against an act of *toleration*, presented by the Earl of *Strathmore*, and in behalf

half of the abovementioned act presented by the Duke of *Argyle*, ratifying the late *revolution*, and all that followed thereupon: And the other act presented by the Earl of *Marchmont*, for securing the *presbyterian* government; I say, no sooner did the Duke of *Queensberry's* friends behave after this manner; but immediately all that ever suspected the integrity of one who had been so much concerned against King *James*, and his family, as his grace was, did conclude they were betrayed, and declared this their opinion in a meeting of the *cavaliers*; upon which it was resolved, to send some of their number, viz. the Earls of *Hume* and *Strathmore*, *George Lockhart* of *Cornwath*, and *James Ogilvy*, of *Boyn*, to represent unto him, how much they were surprized to find his friends behave after such a manner, that they hoped his grace would remember his vows and promises, and how they had served the queen: The matter of fact would not deny for him; so he excused it, as necessary to please such of the Ministry

nistry as were so inclined, lest otherwise the queen's affairs should suffer prejudice; and then he renewed his former promises, and swore heartily to them. To which they replied, they believed this would not satisfy those who had sent them there; and that his grace, nor the queen could not blame them to look to themselves, since it was plain he was embarked with a party, and entered into measures quite contrary to the capitulation made and agreed to between him and them: And so they withdrew; and having made a report to their constituents, it was unanimously resolved not to enter into any concert with the court, or any other party, but to stand by themselves firm to one another, and jointly go into such measures, as, when proposed by any party, should be by the plurality of themselves esteemed for the interest of their country; and this they all engaged to upon honour, and it cannot be said, but they faithfully performed the same, during that whole session: And, to the best of my memory, all this happened within three or four days after the *cavaliers* had so signally preserved the court,

court, and particularly the Duke of *Queensberry*, from the danger they so much apprehended.

Earls of *Balcarras* and *Dunmore's* defection.

I must do justice to all, and take notice, that from this time the Earls of *Balcarras* and *Dunmore* left the *cavaliers*, and continued ever since firm to the court, and went along with all their measures; wretches of the greatest ingratitude! they owed all they had, and much they had squandered away, to King *Charles* and King *James*; till now they claimed more merit than others, especially the first, who had been some time, since the *revolution*, in *France* (where he had, nevertheless, acted but a bad part) and, not many years ago, obtained liberty to come home, he had some pretence for what he did, having a numerous family, and little so subsist them on, but what the court bestowed, though that should never have weighed with him, who lay under such obligations to King *James*: But the other is inexcusable, having above five hundred pounds a year of his own, and yet sold his honour for a present which the queen had yearly given his

his lady since the late *revolution*: But the truth of the matter lies here, they had no further ambition, than how to get as much money as to make themselves drunk once or twice a day, so no party was much a gainer or loser, by having or wanting such a couple.

But it is high time to enquire what the parliament has been a doing: The first material affair they went upon, after the queen's title was recognized, was the Earl of *Marchmont's* act for security of the *presbyterian* government, in these terms,
 " Ratifying, approving, and perpetually confirming all laws, &c. Made for establishing and preserving the true reformed *protestant religion*, and the true church of Christ, as at present owned and settled within this kingdom, in its *presbyterian government* and *discipline*, as being agreeable to the word of God, (this was more than they pretended, at the time of the *revolution*, as I wrote before) and the only church of Christ within this kingdom." There were many in parliament Proceedings of parliament.
 Debate there-
 upon.

ment argued against this act, and none with more mettle than sir *David Cunninghame* of *Milncraig*, urging, that it was uncharitable to affirm, that none were of the church of Christ except *presbyterians*. To which the Marquis of *Lothian*'s zeal made this reply, that the clause was right, since he was sure the *presbyterian* government was the best part of the *christian religion*; which set all the house in a merry temper.

Approved.

The reflections thereupon.

The act however passed; but it was evident the *presbyterian* party was not so considerable as imagined; and that if the Queen had been as *episcopal* in *Scotland*, as in *England*, she might easily have overturned *presbytery*; for at this time the house consisted of about two hundred and forty members, thirty whereof voted against that part of the act ratifying *presbytery*, and eighty two were non liquets (which last were all *episcopals*, but chose to be silent, because there was no formed design against *presbytery* at that time,) or to please the court: So that there was not properly speaking, a plurality of above sixteen voices, or thereby for the act; amongst which, several such as Duke *Hamilton*, Earl of *Eglington*,
and

and many others, were no ways *presbyterians*. Now had the Queen designed to introduce *episcopacy*, it is obvious, it would have been no hard task to have done it.

When this was over, the act for a *toleration* to the *episcopal clergy* was read; but those who were the greatest promoters of it, agreed not to insist upon it, lest thereby many well meaning persons that opposed the court, and stood for the interest of the country, might have taken offence; and therefore they delayed it until a more proper occasion. But I must take notice, that a representation from the commission of the kirk, signed by Mr. George Meldrum against the *toleration*, was likewise read, wherein was this extraordinary and unchristian expression, "That they were persuaded, to enact a *toleration*, for these of that way, (considering the present case and circumstances of the church and nation) would be to establish iniquity by a law, and bring on the promoters thereof, and their families, the dreadful guilt and pernicious

An act for toleration read, and let fall.
Strange representation from the general assembly.

“ous effects that may thereupon ensue.

Next the parliament proceeded to consider the Duke of *Argyle's* act, approving, ratifying, and confirming, perpetually, an act of parliament declaring it high treason to disown, quarrel, or impugn the dignity or authority of the said parliament; and further statuting and declaring, that it should be high treason, in any of the subjects in this kingdom, to quarrel, or endeavour by writing malicious, and advised speaking, or open act or deed to alter, or innovate the claim of right, or any article thereof. The last clause of this act was particularly impugned; and it was alleged, that the import of such a general peremptory clause would be of dangerous consequence, since these words, *endeavour by writing, &c.* might intrap innocent people in their common conversation, (which was a grievance not long ago) that it bound up the wisdom of the nation, from making such alterations and reformati^ons as they should judge necessary, for the state of
the

the kingdom in succeeding ages : And *James More*, of *Stenneywood*, desired to know, if this act passed in these terms, in case the shire of *Aberdeen*, which he represented, and every body knew was generally of the *episcopal* persuasion, should address the sovereign or parliament, (which, in the claim of right, is asserted to be the privilege of every subject) for a rectification of the present settlement of the *presbyterian* church government, whether or not such an address did import treason? To whom Sir *William Hamilton*, of *Whitlaw*, replied, that this act did not preclude addressing for a *toleration*; but he was of opinion, if it were once made a law, that person was guilty of treason that owned he thought the *presbyterian* a wrong establishment, and the *episcopacy* ought to be restored. This occasioned a long and hot debate, wherein the dangers that would arise both to the government and subject were fully laid open; but being put to the vote, the act was Approved. approved, there being sixty members against it, and many non liquets (upon the same account as in the former act ratifying *presbytery*) many of the *country party*, that were *presbyterians*, and
all

all the ministry and their dependance going into it, except the Duke of *Athole*, the justice clerk, and some of the commissioners, and Viscount of *Tarbot*'s friends, which four began at this time to break with the court, and join in a particular correspondence with the *cavaliers*.

Whilst the *rolls* were calling upon this question, there fell the greatest rain that was ever seen come from the heavens, which made such a noise upon the roof of the parliament-house, (which was covered with lead) that no voice could be heard, and the clerks were obliged to stop; whereupon, as soon as it ceased, Sir *David Cuninghame*, of *Milncraig*, took the occasion to tell the house, *It was apparent that the heavens declared against their procedure*: And those who were inclined to take notice of such things, drew several conclusions and prefages from it, suitable, for the most part, to their own inclinations. Though this be but a trifle, I inclined not to pass it altogether by.

Then

Then the parliament proceeded to frame and finish such acts as tended to secure their liberties and freedom from the oppression they sustained through the influence of *English* ministers over *Scots* counsels and affairs, in which a long time was spent, many bold speeches, and excellent overtures being made, the court strenuously opposing them all; and the *cavaliers*, and *country party*, as strenuously insisting, at last prevailed, and carried in parliament these two valuable acts; *first*, an act anent peace and war; declaring, among other things, that after her majesty's death, and failing heirs of her body, no person, at the same time king or queen of *Scotland*, and *England*, shall have the sole power of making war with any prince, state, or potentate whatsoever, without consent of parliament: which was absolutely necessary, considering how much the nation has lost, by being brought into all *England's* wars. And, *secondly*, that excellent and wisely contrived act of security, which has since made such a noise in *Britain*, and from the admirable clauses it contains, justly merits the

The parliament proceeds to secure the liberty and freedom of the nation.

Which causes great heats.

Approves act anent peace and war.

And act of security.

the title it bears; an act which in all probability, would have made this nation happy, had all those who were concerned, and assisted to frame and advance it, continued to act by the maxims and motives whereupon this act was founded, and not basely changed both principles and parties; but being very long, and to be found in the printed acts of parliament, I shun inserting it here.

All efforts were in vain to obtain the royal assent to this act, though the other (in hopes thereby to have obtained a subsidy for the army) was passed into a law.

The parliament in great heats.

It is needless, and would be endless to repeat, suppose I could, the discourses that were made *pro* and *con*, whilst the parliament was upon overtures to secure their liberties, and redeem the nation from the oppression it groaned under: it is sufficient to say, that the court opposed every thing that could be proposed for that end, and, in return were so baffled in all their schemes and designs, that on the fifth

fifth of *December*, when a motion was made for granting a first reading to the act for a supply, the parliament flew in the face of it, some demanding the royal assent to the act of security, others asking, if the parliament met for nothing else than to drain the nation of money, to support those that were betraying and enslaving it? and after many hours warm debates on all sides, a vote was stated, *whether to proceed to overtures for liberty, or a subsidy?* and the house being crowded with a vast number of people, nothing, for near two hours, could be heard but voices of members, and others, (it being late and candles lighted) requiring *liberty*, and no *subsidy*.

The cavaliers
and country
parties bold-
ness.

The throne being confounded with this vigorous appearance in behalf of the country, was at a stand, and knew not what hand to turn to: and the Earl of *Roxburgh* declared, if there was no other way of obtaining so natural and undeniable a privilege of the house, as a vote, they would demand it with their swords in their hands.

Whether

Bang the
court.

Whether the commissioner had got information, that the house would that day stand stiffly to what they proposed to be done for the country, I know not, but certain it is, the foot-guards were ordered to be in readiness, and several days before this, a guard was set every night upon the *nether-bow-port*: and Lieutenant-General *Ramsay* was heard to say in his cups, *That ways would be found to make the parliament calm enough*. However, the commissioner perceiving he would be torn in pieces, if he withstood the formidable opposition he saw against him, ordered the chancellor to acquaint the house, that it was yielded the act for a subsidy should continue to lie upon the table; and that the house should next day, proceed upon overtures for liberty, which put a period to that day's debate: But when the next day came, instead of performing his promise, the first thing he did in the house, was to call for such acts, as he was impowered to pass into laws, and having given them the royal assent

assent, immediately made the following speech :

“ WE have now passed several The commif-
fioners speech.
 “ good acts for liberty and trade,
 “ which, I hope, will be accepta-
 “ ble to all her majesty's good sub-
 “ jects: I wish you had also given
 “ the supplies necessary for the main-
 “ taining her majesty's forces, and pre-
 “ serving the peace and safety of the
 “ kingdom: But since, I hope, this
 “ may yet be done in due time,
 “ and besides some questions and dif-
 “ ficulties are fallen in, which, in all
 “ probability, you can have no time
 “ to determine, and, withall, it is fit
 “ her majesty should have some time
 “ to consider on such things as are
 “ laid before her, and that we may
 “ know her mind therein more per-
 “ fectly, a short recess seems at pre-
 “ sent to be necessary, and that this
 “ parliament be adjourned for some
 “ time. And therefore I have order-
 “ ed my lord chancellor to adjourn
 “ this parliament to the twelfth of
 “ *October next.*

Which

The parlia-
ment adjourn-
ed.

Which he accordingly did.

The reception
of an act of
abjuration.

But before we leave this parliament, to consider what were the consequences of it, we must remember, that the Earl of *Marchmont* having one day presented an act for settling the succession in the house of *Hanover*, it was treated with such contempt, that some proposed it might be burnt, and others, that he might be sent to the castle, and was at last thrown out of the house by a plurality of fifty seven voices; such then was the temper of the nation, that, if duly improved, might have done great things. Neither must I omit the opposition made to the act, allowing the importation of wines, which was carried by the assistance the court got from the trading boroughs, and brought in a great deal of money to the customs.

Reflections
on the parlia-
ment.

And thus I have gone through this session of parliament, which did more for redressing the grievances, and restoring the liberties of this nation, than

than all the parliaments since the 1660 year of God: And it cannot be thought strange, that *Scots*-men's blood did boil to see the *English* (our inveterate enemies) have such influence over all our affairs, that the royal assent should be granted or refused to the laws the parliament made, as they thought proper; and, in short, every thing concerning *Scots* affairs determined by them, with regard only to the interest of *England*; to see bribing and bullying of members, unseasonable adjournments, and innumerable other ungentlemanly methods made use of, to seduce and debauch people from the fidelity they owed to that which ought to be dearest to them, I mean the interest, welfare, and liberty of their country and fellow-subjects, by whom they were entrusted in that office. These considerations, I say, enraged and emboldened a great number of members to such a degree, that many strange and unprecedented speeches were made, inveighing against, and exposing the government, especially by that worthy
and

and never to be enough praised, patriot *Andrew Fletcher*, of *Salton*.

New patents
of honour.

After the parliament was adjourned, the Queen was pleased to confer several titles of honour on such as had served her. The Marquis of *Douglas* (though a child) and the Marquis of *Athole* were made dukes; the Viscount of *Stairs*, Viscount of *Roseberry*, Viscount of *Tarbat*, Lord *Boyle*, *James Stuart* of *Bute*, and *Charles Hope*, of *Hopeton*, were created Earls of *Stairs*, *Roseberry*, *Cromarty*, *Glasgow*, *Bute*, and *Hopeton*, and *John Craufurd* of *Kilbirnee*, and Sir *James Primrose* of *Carrington*, Viscounts of *Garnock*, and *Primrose*. Having made mention of the Duke of *Athole*, the Earl of *Cromarty*, and Mr. *Fletcher* of *Salton*; it will not be much out of the way, to give a particular character of them, before I go any further.

D. of *Athole's*
character.

John first Marquis, then Duke of *Athole*, made no great figure in the first part of his life: And the first mention

mention I find of him was his convening as many of his friends, followers, and vassals as he could, to oppose my Lord *Dundee*, but that being a work contrary to their grain, few joined with, or would be assistant to him, so his grace soon quitted the field. In the year 1699, he was made one of King *William's* secretaries of state; and thereafter his commissioner to a parliament, and was all that time a most zealous *presbyterian*, and so great an admirer of his master King *William*, that he mimicked him in many of his gestures: Being disobliged, that Sir *Hugh Dalrymple* was made president of the session, and not Sir *William Hamilton* of *Whitlaw*, whom he had recommended, and finding his colleague the Earl of *Seafeld* had much more interest both with King *William*, and his favourite the Earl of *Portland* than himself, and that he would not be long in that post, without he depended on the Earl of *Seafeld*, he resigned his office and would serve no longer, and returning to *Scotland*, he joined with the *country party*, and continued a leading man therein, until after Queen *Anne's*

Anne's accession to the throne, that he was created lord privy seal: In the parliament 1703, he trimmed betwixt *court* and *cavaliers*, and it is probable would have continued so, had not the Duke of *Queensberry* trumped up the plot upon him, which did so exasperate him against the court, that he joined entirely with the *cavaliers*, and from being a friend to the *revolution*, and an admirer of King *William*, he became, all of a sudden, a violent *jacobite*, and took all methods to gain the favour and confidence of the *cavaliers*, which in some measure he obtained, particularly in the shires of *Fife*, *Angus*, *Perth*, and other northern parts, and thereupon affected extremely to be the head of that party, and out-rival the Duke of *Hamilton*; yet notwithstanding this his profession in state matters, he still courted and preserved his interest with the *presbyterian ministers*, professing always to be firm to their kirk government, hearing them in the churches, and patronizing them much more than those of the *episcopal persuasion*, which induced many to doubt the sincerity of his professions in other points, and believe he was honest and loyal, because
he

he had no occasion of being otherwise: But for my own part, I had an opportunity to know, that he was very frank, and chearful to enter into any, though the most desperate measures in the years 1706, and 1707, to obstruct the *Hanoverian succession*, and especially the union; because, perhaps, he had but a small estate, and could not expect to make so great an appearance after the union, as if the kingdom of *Scotland* remained: But be the reasons what they will, certain it is, he would have gone to the field rather than that it should have passed, and others been as forward as himself. He was of great significance to any party, especially the *cavaliers*, because he had a mighty power, and when upon a loyal bottom could raise 6000 of the best men in the kingdom, well armed, and ready to sacrifice all they had for the king's service. He was endowed with good natural parts, though by reason of his proud, imperious, haughty, passionate temper, he was no ways capable to be the leading man of a party, which he aimed at. After he betook himself to the *cavaliers*, he

F

much

much affected popularity, but it was still attended with such an unpleasant air; his kindest addressees were never taking: He was selfish to a great degree; and his vanity and ambition extended so far, that he could not suffer an equal, and did therefore thwart the Duke of *Hamilton's* measures.—He was reputed very brave, but hot, and headstrong; and though no scholar nor orator, yet expressed his mind very handsomely on publick occasions.

Earl of *Cromarty's* character.

The *satyrift*, in his *lampoon*, speaking of *George Viscount of Talbot*, since Earl of *Cromarty*, uses these words,

*Some do compare him to an eel,
Should mortal man be made of steel.*

And certainly this character suited him exactly; for never was there a more fickle, unsteady man in the world: He had sworn all the contradictory oaths, and complied with all the opposite governments that had been on foot since the year 1648, was an humble

humble servant to them all, until he got what he aimed at, though often he did not know what that was: He was full of projects, and never rejected one, provided it was new. Since the *revolution* (though he had a large share in carrying it on) he pretended to favour the *royal family*, and *episcopal clergy*: Yet he never did one action in favour of any of them; excepting that when he was secretary to queen *ANNE*, he procured an act of *indemnity*, and a letter from her, recommending the *episcopal clergy* to the privy council's protection: But whether this proceeded from a desire and design of serving them, or some political views, is easy to determine, when we consider, that no sooner did queen *ANNE*, desert the *tory party*, and maxims, but his lordship turned as great a *whig* as the best of them, joined with *Tweedale's* party to advance the *Hanoverian succession*, in the parliament 1704, and was, at last, a zealous stickler, and writer in favour of the union. He was certainly a good natured gentleman, master of an extraordinary gift of pleasing, and diverting conversation, and well ac-

complished in all kinds of learning; but, withal, so extremely magotty and unsettled, that he was never to be much relied upon, or valued: Yet he made a great interest in the parliament with many of the northern members. Though his brother Mr. *Roderick Mackenzy*, of *Prestonball*, was not altogether so chymical as his lordship, yet in their politicks they seldom differed; but he still pretended a greater zeal for the service of the royal family than his lordship did, though both proved alike faithful at the latter end.

*Fletcher of
Salton's cha-
racter.*

Andrew Fletcher, of *Salton*, in the first part of his life, did improve himself to a great degree by reading and travelling; he was always a great admirer of both ancient and modern republicks, and therefore the more displeased at some steps which he thought wrong in King *Charles* the second's reign, whereby he drew upon himself the enmity of the ministers of that government, to avoid the evil consequences of which, he went abroad; during which time, his enemies malice still continuing, he was

was upon slight frivolous pretences, summoned, to appear before the privy council, and their designs to ruin him being too apparent, he was so enraged, that he concurred, and came over with the Duke of *Monmouth*, when he invaded *England*; upon which he was forfeited. Thereafter he came over with the prince of *Orange*; but that prince was not many months in *England*, till he saw his designs, and left him, and ever thereafter hated and appeared as much against him, as any in the Kingdom. Being elected a parliament man, in the Year 1703, he shewed a sincere and honest inclination towards the honour and interest of his Country. The thoughts of *England's* domineering over *Scotland*, was what his generous soul could not away with. The indignities and oppression *Scotland* lay under, gauled him to the heart. So that in his learned and elaborated discourses, he exposed them with undaunted courage, and pathetical eloquence. He was blessed with a soul, that hated and despised whatever was mean and unbecoming a gentleman, and was so stedfast to what he thought right, that

that no hazard nor advantage, no not the universal empire, nor the gold of *America*, could tempt him to yield or desert it. And I may affirm, that in all his life he never once pursued a measure with the prospect of any by-end to himself, no further than he judged it for the common benefit and advantage of his country. He was master of the *English, Latin, Greek, French, and Italian Languages*, and well versed in history, the civil law, and all kinds of learning, and as he was universally accomplished, he employed his talents for the good of mankind. He was a strict and nice observer of all the points of honour, and his word sacred, as brave as his sword, and had some experience in the art of war, having in his younger years been some time a volunteer in both the land and sea service. In his travels he had studied and came to understand the respective interests of the several princes and states of *Europe*. In his private conversation affable to his friends, (but could not endure to converse with those he thought enemies to their country) and free of all manner of vice,

He

He had a penetrating, clear and lively apprehension, but so extremely wedded to his own opinions, that there were few (and those too must be his beloved friends, and of whom he had a good opinion) he could endure to reason against him, and did for the most part so closely and unalterably adhere to what he advanced (which was frequently very singular) that he would break with his party before he would alter the last jot of his scheme and maxims; and therefore it was impossible for any set of men, that did not give up themselves to be absolutely directed by him, to please him, so as to carry him along in all points. And thence it came to pass, that he often in parliament stuck close to the *country party*, and was their *Cicero*. He was, no doubt, an enemy to all *Monarchial Governments*, at least thought they wanted to be much reformed; but I do very well believe, his aversion to the *English* and the union was so great, in revenge to them, he would have sided with the *Royal Family*; but as that was a subject not fit to be entered upon with him, this is only a conjecture
from

from some innuendos I have heard him make, but so far is certain, he liked, commended, and conversed with *high-flying Tories* more than any other set of men, acknowledging them to be the best country men, and of most honour, integrity, and ingenuity. To sum up all, he was a learned, gallant, honest, and every other way well accomplished gentleman, and if ever a man proposes to serve and merit well of his country, let him place his courage, zeal, and constancy as a pattern before him, and think himself sufficiently applauded and rewarded, if he obtained the character of being like *Andrew Fletcher, of Salton*.

Friendship
betwixt the
Duke of
Athole Earl
of *Seafield* and
Earl of *Cromarty* and the
cavaliers.

Let us now return back again, and acquaint you, that after the parliament was adjourned, mutual engagements of fidelity and sincerity to stand firm to one another, were renewed betwixt the *cavaliers* on the one part, and the Duke of *Athole*, Earl of *Seafield*, and Earl of *Cromarty*, on the other: and accordingly when these lords, with the Earl of *Eglinton*, went to *London* they

they were entirely trusted by the *cavaliers*. The courtiers again they made as great haste, and all parties strove who should outdo one another in paying their respect, and shewing their submission to the good will and pleasure of the Duke of *Marlborough* and Lord *Godolphin*; the queen, indeed, for fashion sake, was sometimes addressed to; but such application was made to these two lords, that it was obvious to all the world, how much the *Scots* affairs depended on them. I myself, out of curiosity, went once to their levees, where I saw the commissioner, chancellor, secretary, and other great men of *Scotland*, hang on near an hour, and when admitted, treated with no more civility than one gentleman pays another's *valet de chambre*, and for which the *Scots* have none to blame but themselves, for had they valued themselves as they ought to have done, and not so meanly and sneakingly prostituted their honour and country to the will and pleasure of the *English* ministry, they would never have presumed to usurp such a dominion over *Scotland*, as openly and avowedly

avowedly to consult upon, and determine in *Scots* affairs.

A sham plot
discovered.

After the *Scots* nobility had waited and attended the *English* ministers some six or eight weeks, without knowing what was to be done, a flying report was spread about, as if a plot had been discovered, wherein a certain number of the chief and heads of the *cavaliers* had engaged to rise in arms against Queen *Anne*, in favours of the pretended prince of *Wales*, (as they termed the king) and this story was propagated to blacken those people's endeavours to liberate their country from the slavery and dominion which *England* usurped over it.

A true account of the
plot.

But because the sham plot was the foundation of a mighty super-structure, made a great noise, and was the handle the *courtiers* laid hold on to ruin the *cavaliers* and *country parties*, I must go back a little, and trace it from its original, that the design and conclusions of it may be better understood, and the whole looked upon with that detestation and horror by future ages, which

which all good men had of it at the time: and certainly never was there a more villainous design, and which, in all probability, would have had its dismal effect, had not the wise providence of God discovered and brought to light the hellish contrivance.

You must know then, that after the Duke of *Queensberry* had, as above-narrated, broke his vows to the *cavaliers*, and seen them, when joined to the country, so strong and zealous a party, there was no hopes of being able to stand it out against so violent and united a torrent; he bethought himself how to undermine their reputations, and so diminish their interest with the court, and find a pretence to vent his wrath, and execute his malice against those that thwarted his *arbitrary designs*, and knowing, to his certain experience, that the poet was very much in the right, when he asserted, that,

*Plots, true or false, are necessary things,
To set up commonwealths, and ruin kings.*

did

did, with the special advice and consent of his dear friends, the Duke of *Argyle*, the Earls of *Stairs* and *Leven*, and Mr. *Carstairs*, (a rebellious *presbyterian* preacher, one of her majesty's chaplains) resolve, one way or other, to frame such a plot, as, when lodged upon these they designed it against, should, in all humane probability, be their utter ruin and destruction.

Frazer of
Beaufort em-
ployed to ma-
nage it.

They pitched upon one *Simon Frazer*, of *Beaufort*, as the tool to carry on this wicked design, and be evidence to excuse such persons, as they directed: this gentleman, some three or four years before, had been guilty of a most scandalous rape upon the person of the lady dowager *Lovitt*, sister to the Duke of *Atbole*, for which crime the Lords of Justiciary had condemned him to die: and letters of fire and sword were raised, and a detachment of King *William's* troops sent against him and his adherents, who were pretty numerous, betwixt whom, several skirmishes happened; but finding the Duke of *Argyle*, who was his great patron, (for no other rea-
son

son, that I know of, but because he had been guilty of a vile, lewd, and detestable crime; and likewise upon the person of one of the family of *Atbole*, which two houses bore each other a constant grudge) I say, *Frazer* finding *Atbole* was no longer able to protect him against the force of law and justice, quitted the kingdom, and retired to *France*; but King *James* having got an account of the crimes he was found guilty of, for which he had left his native country, would not, during his life, allow him to come to the court of *St. Germain*s. This person being made choice of, as well qualified for such a design, was sent for from *France* to *England*, and afterwards brought from thence to *Scotland*, but before he left *France*, by the advice of his friends at home, he turned *papist*; and finding a way to be introduced to the *French* king by the *pope*'s nuncio, he represented himself as a person of great interest in *Scotland*, and oppressed for his zeal to the royal family, and that with encouragement, and a small assistance, he could contribute to make a great diversion to the *English* arms, and much

Turns papist.
Introduced
to the *French*
king.

The effects
thereof.

much promote the royal interest, and for that end, proposed, that his most christian majesty would furnish him with two or three hundred men, and a good sum of money to take along with him to *Scotland*, where he would perform wonders: But the *French* king, unwilling to hazard his men and money, without a farther security, and more probability than his assertions, gave him a fair answer, desiring him to go first to *Scotland*, and bring him some credentials from those persons, over whom he pretended so much power, which he agreed to, and got, for that purpose, a little money, and, by the *French* interest, such credit at *St. Germain's*, as to obtain a commission from King *James* to be a major-general, with a power to raise and command forces in his behalf, which was the main thing he aimed at: But at the same time, Captain *John Murray*, brother to Mr. *Murray* of *Abercarnie*, and Captain *James Murray*, brother to Sir *David Murray*, of *Stenhope*, were likewise under the protection of Queen *Anne's* act of indemnity, sent over to *Scotland* to be a check upon him, and

and bring intelligence, how they found the tempers of the people, and their inclinations towards King *James*.— Thus provided, *Frazer* arrived in Eng- Comes to land; and on the borders of Scotland Scotland. was met by the Duke of *Argyle*, and by him conducted to *Edinburgh*, where Carressed and he was kept private, and being fully instructed by the court. instructed what he was to do, the Duke of *Queensberry* gave him a pass to secure him from being apprehended, in obedience to letters of fire and sword emitted against him: And now he goes to the *Highlands*, introduces himself into the company of all that he knew were well affected to King *James* and his interest, there produces his major-general's commission, as a Trafficking in the country. testificate of the trust reposed in him, try. and promising their rising in arms, and signifying the same, under their hands, that the king might know assuredly, who they were, and what numbers he had to trust to, and regulate his affairs accordingly; some were so far seduced, as to assure him, they were ready to serve the king though I believe there was none did in the terms he demanded, but generally there were few, that did not regret the

Goes to *London*.

the king's reposing any trust in a person of so bad a character, and fearing he would betray them, refused to treat or come to particulars with him. After he had trafficked here and there through the *Highlands* with small success, when the parliament was adjourned, he went to *London*, to consider of what further use he might be to his constituents, resolving (though the primum mobile, and his patron the Duke of *Argyle* was now dead) to continue in their service, and they finding he had made but a small progress, and could not as yet fix any thing at the doors of these persons against whom they levelled, resolved to send him again to *France*, to demand letters, and further encouragement to the Dukes of *Hamilton*, and *Athole*, the Earls of *Seafeld* and *Cromarty*, and the *cavaliers*: and for that end, the Duke of *Queensberry* procured him, and two others with him, a pass from the Earl of *Nottingham*, secretary of *England*, under borrowed names. If he went upon a good design, as the Duke of *Queensberry* afterwards alledged, why needed he have

have made their persons and business such a secret to the Queen's secretary, as he must know neither? But before *Frazer* reached *Paris*, and had executed his black design, it came to light in great measure; for the famous Mr. *Ferguson* soon discovered, and consequently defeated the project, when it was as yet but in embryo; for *Frazer*, whilst he was in *London*, having addressed himself to him, and one Mr. *William Keith*, (son to Sir *William Keith* of and a great depend-
der on the Duke of *Athole*) he acquainted them with his pretended design and project for King *James*, and mightily pressed *Keith*, that he would use his endeavours to persuade the Duke of *Athole* to forgive him, and allow him access to his grace, since he was heartily sorry for the crime he had committed, and was promoting so good a design: But *Keith* (though he played the fool, and dived deep enough with him in all other points) told him, that was what he could not presume to propose, and what he knew the Duke of *Athole*

would never grant. But *Ferguson*, an old experienced *plotter* understanding his character, suspected his integrity; and it coming to his knowledge, that he was often privately with the *Scots courtiers*, was by them supported, and had obtained a pass, as above related, soon concluded, that there was some base design in hand, and thereupon

The Duke of
Athole accuses
the persons
concerned in
it to the
Queen.

gave the Duke of *Athole* notice of it: And he again having enquired at the Earl of *Nottingham*, and finding *Ferguson's* informations to hold good, and his suspicions to be well grounded, acquaints Queen *Anne* of the whole procedure, accusing the Duke of *Queensberry* in particular; and his other friends and partizans, of corresponding with, and protecting a person out-lawed in the kingdom of *Scotland*, guilty of the most horrid crimes, and a trafficker with *France*: Whereupon the Duke of *Queensberry*, to vindicate himself, declared, that *Frazer*, when he came to *Scotland*, wrote to him, that he could make great discoveries for the Queen's service; and that upon that account he had sent for him, given him

him a protection in *Scotland*, and again procured him a pass in *England*, with a design he should go to *France*, and make a clearer discovery, which he did not doubt he would have performed, had not the matter come too soon to light; and, as a convincing proof thereof, he produces a letter from the Queen mother, directed to Lord M——, which he interpreted, the Lord *Murray*; (formerly the title of Duke of *Athole*, before his father died) but his grace made use of such solid arguments, and convincing proofs to shew the fallacy of that letter, that Queen *Anne* herself could not deny, but that she thought it not genuine. Now let any impartial judge consider, if it is probable that *Frazer*, with whom no honest man in *Scotland* would converse, who was under sentence of death, and not such a tool as to imagine, that he had interest to do any thing of moment for King *James's* service, could have had the impudence to address the *French King* in such terms as he did, and come over to *Scotland*, unless he

Reflections
on the plots.

had been put upon it, and protected by such as could support him at home. If he proposed to cheat the *French King* of a little money, why came he to *Scotland* with it, since he knew he could not fail, in time, to be discovered, and then could neither hope to be protected there, or dare to return to *France*? These, I say, and many other such shrewd presumptions, make it clear, what was the design of this pretended *plot*, and, if successful, how dismal the consequences of it would have proved, *viz.* The destruction of those who opposed the designs of the *Scots courtiers* and *English ministry* against *Scotland*, how happy it was in being rendered abortive, before the designed conception had come to full maturity; and how odious the thoughts of such a hellish conspiracy, and abettors thereof, ought to be in the eyes of all good men. I must likewise acquaint you, that *David Bailly* having wrote a letter, about the same time that the pretended *plot* was discovered at *London*, to the Duke of *Hamilton*, then at *Edinburgh*, intimating,

David Bailly
his part in it.

ing, that the Duke of *Queensberry* and Marquis of *Anandale* had been at great pains to engage him to go to *London* with them, and be a concurring evidence of such things as he should afterwards be informed of against the Dukes of *Hamilton* and *Athole*, the Earl *Home*, and several others; which he positively refusing to do, he thought it his duty to make a discovery thereof, that these noble persons might be on their guard, lest the Duke of *Queensberry* should still endeavour, and at last find out proper persons to be his accomplices. This information, upon the back of the pretended *plot*, made a great noise. The Duke of *Hamilton* tabled it before the *Scots* privy council, and desired their lordships would take it, and its consequences, under consideration: Upon which *Baily* was imprisoned and examined: But having no proof, besides his own assertions, he was ordered to stand upon the pillory, and was banished out of the kingdom: The first part of which sentence was executed, but the other taken off

off when the Marquis of *Tweeddale* came to the government.

It is hard to make a judgment of this story: If it was true, it is a further proof of the court's designs: But for my part, (though I am convinced the Duke of *Queensberry* was capable of it, and did as ill with *Frazer*) I do believe it was all a lie, being only a counter *plot*, framed by Mr. *Baily* of *Jervesswood*, to exasperate the nation against the Duke of *Queensberry*, *Baily* being his near relation, and *Tweeddale's* party appearing most earnest for his being acquitted in council, and at last, when they came to have power, taking off the sentence of banishment. Let me add to this, *Baily* was so scandalous a fellow, he would scarcely have been allowed as an habile witness in any judicatory in *Europe*, where his character was known: But I leave the reader as he pleases to give credit or not to his report, there being sufficient evidence without it to convince the world, what a horrid design the Duke of *Queensberry* was upon.

While

While all this was a doing, the Duke of *Queensberry*, to preserve the interest he had obtained with the *tories*, and *church party* in England, had brought up to London these two *negado's*, the Earl of *Balcarras*, and the *Archbishop* of *Glasgow*, to avouch to them his inclinations to serve and protect the *tories*, and *church party* in Scotland.

D. of *Queensberry* employs the Earl of *Balcarras*, and the *Archbishop* of *Glasgow*, to support him with the *English tories* and *church-party*.

The archbishop was a man of extraordinary parts and great learning, but extremely proud and haughty to all the inferior clergy of his diocese, and very much destitute of those virtues that should adorn the life and conversation of one so highly exalted in the church: He had a great management of the government of both church and state, before the *revolution*: And after the abolishing of *episcopacy*, he lived privately, indulging that avacious worldly temper, which had fulfilled his other qualifications in all the capacities and stations of his life, and which likewise moved him to embark on

Archbishop of *Glasgow's* character.

on this design, which, when he left *Scotland*, and even after he came to *London*, he kept as a mighty secret, pretending to the *cavaliers* he undertook that long journey in the middle of winter, so dangerous to his grey hairs, (his own expressions) only to supplicate *Queen Anne* to bestow the vacant bishops rents on the poor starving *episcopal clergy*. Yet when this matter was under the consideration of *Queen Anne* and her servants, his charitable zeal did allow him to accept of four hundred pounds sterling *per annum*, out of them, though there remained but twelve thousand pounds, after his four hundred was deducted, (to be divided among his numerous needy brethren) that was not appropriated to other uses: And his lordship was worth twenty thousand pounds of his own.

I have already accounted for the Earl of *Balcarras*, so let me proceed to tell you, that this noble lord and
reverend

reverend prelate served the design they came for most religiously: And the latter had the impudence to assure Queen *Anne*, that the Duke of *Queensberry* was the best friend the *episcopal clergy* had in *Scotland*, and would have procured them a *toleration*, (which, it seems, they knew she desired) had he not found they were so disaffected to her interest, that to shew them favour, would be to encourage and enable her enemies: Adding, with tears in his eyes, "She might depend upon the truth of this information, since it came from him, who could be no gainer; but, on the contrary, was a great loser by their being kept under." This last part I had in half an hour after it was performed, from one who had it from Prince *George*, who declared, he and Queen *Anne* were confounded at the account.

During all this, the plot made a great noise: And accounts of the affair being soon waisted over to *France*, *Frazer* was immediately clapt up in the *Bas-tile*;

tile: But since a plot (though of the Duke of *Queensberry*'s, and his accomplices own compofure) was pretended to be discovered, the affertion must be made good: And therefore the Duke of *Queensberry* throws himself upon the *English whig* lords, craving their assistance to bring him off: But finding there had been a plot, and laying it upon these that were his, and consequently their enemies: And they, according to the laudable practice of that party, ever ready to support every person, and every measure, that tended to advance the *good old cause*, taking him and his cause into their own omnipotent protection, tabled it in the *English* parliament, and imprisoned and examined several persons: And sundry papers framed for the purpose were laid before the house, and the consideration thereof referred to a committee of seven lords, who did and found what they pleased, though never so gross and absurd. And at last the house of lords came to the following resolution:

D. of *Queensberry* throws himself upon the *English whigs*.

They protect him.

The *English* parliament's proceedings in relation to the plot.

Resolved,

" Resolved, That there had been
 " a dangerous conspiracy in *Scotland*,
 " toward the invading that kingdom
 " with a *French power*, in order to
 " subvert her majesty's government,
 " and the bringing in the pretended
 " Prince of *Wales*. That it was their
 " opinion, nothing had given so much
 " encouragement to these designs, as
 " the succession of the crown of *Scot-*
 " *land* not being declared in favour
 " of the Princess *Sophia*, and her heirs.
 " That the Queen should be address-
 " ed to use such methods as she
 " thought convenient, for having the
 " succession of the crown of that
 " kingdom settled after that manner;
 " and that being once done, then they
 " would do all in their power to
 " promote an entire union of the two
 " kingdoms.

But, notwithstanding the Lords were
 so clear, there was not one unbiaff-
 ed person, that did not see it was
 all trick and villany; and the lords
 themselves, conscious thereof, would
 gladly

David Lindsay arraigned.

Condemned to die.

His behaviour at the gallows.

gladly have had some further proofs to justify their proceedings in the matter; and for that purpose did prosecute Mr. *David Lindsay*, (who had been in *France*, but came home to *Scotland*, and, before he went to *England*, was declared by the privy council to be comprehended within the terms of *Queen Anne's* act of indemnity) and finding he had been in *France*, by virtue of an *English* act of parliament in *King William's* time condemned him to die, though he did plead he was a native of *Scotland*, and pardoned by her majesty, as sovereign of that kingdom: Yet, nevertheless, so far did they drive the test, and so much did *Queen Anne* allow herself to be imposed upon, that he was carried to *Tyburn*, and the rope put about his neck, the sheriff telling him, he needed expect no mercy, unless he would acknowledge the crime, and discover (which was the one thing needful) who were concerned in the *Scots* conspiracy; thus tempting him to save himself, by charging others with what he knew they were innocent of; but he (to his immortal honour

nour be it said) answered, he was willing to die, rather than save his life on such terms: Whereupon the sheriff ordered the cart to drive on: But finding he was resolved to stand it out, in behaving as became a good christian, and worthy gentleman, produced Queen *Anne's* reprieve, suspending the execution: And *Lindsay* having thus, by his heroick behaviour, disappointed the designs of those, who hoped, by this severe method, to force a confession (true or false, all was one) out of him, to justify their proceedings, was remitted close prisoner to *Newgate*, where he remained in a miserable, starving condition, for three or four years, and was then banished out of *Britain*, and died in *Holland* for want of necessary food and raiment.

Several *Scots* councils were called, *Scots councils* and met this winter, in Queen *Anne's* ^{meet at Lon-} *London*, where were several hot debates, and many proposals were made, as proper methods to be followed at this critical juncture, with
relation

A strange
propofal by
the Earl of
Stairs.

relation to the management of *Scots* affairs, the most remarkable of which was that which came from the Earl of *Stairs*, who (confidering that this procedure of the *English* house of lords would fo exasperate the *Scotch* nation, and the difcovery of the designed plot fo irritate the *cavaliers* and *country parties*, that it was to no purpofe for the Duke of *Queensberry*, and his partizans, to imagine to fucceed there) propofed, that an *English* army fhould be fent to *Scotland*, to be maintained by *England*, and remain there till her majesty's deceafe. And that during her life, another feflion of parliament fhould not meet; the firft would keep *Scotland* in awe, and the fecond prevent her being able to redrefs herfelf, and affert her juft rights in a legal manner: But this was fo dangerous an expedient, the *English* *minifters* did not think it proper, left it had raifed fuch a combuftion in that kingdom, as would not eafily be extinguifhed. Having made mention of this extraordinary propofal, it will be very proper

proper to give a particular account of its author.

John, Earl of Stairs, was the original and principal instrument, of all the misfortunes that befel either the king or kingdom of *Scotland*. It was he that advised King *James* to emit a proclamation, remitting the penal laws, by virtue of his own absolute power and authority, and made several other steps, with a design (as he since bragged) to procure the nation's hatred, and prove his ruin: And it was he that, underhand, carried on the *revolution* in *Scotland*: and thus he acted the same part as the Earl of *Sunderland* did in *England*: It was he that, to secure his court interest in King *Williams's* time, contrived, and was the author of the barbarous murder of *Glenco*, and had a main hand in the plot, just now mentioned, to cut off the chief of the *cavalier* and *country parties*: And in this, to whom can he be so well compared as to *Cataline*,

Earl of *Stairs*
his character.

Cataline, it was he that first suffered, I should rather say, taught and encouraged *England* arbitrarily and avowedly to rule over *Scots* affairs, invade her freedom, and ruin her trade. It was he that was at the bottom of the union, and to him, in a great measure, it owes its success, and so he may be stiled the *Judas* of his country. As he was thus the bane of *Scotland* in general, so he and his family were the great oppressors of all the particular persons that did not depend upon him, and go along with his designs, and that so openly and barefacedly, that a *cavalier* or *anti-courtier* was not to expect common justice in the session, where his brother was president, whereby he and his family were, at the same time, the most dreaded and detested of any in the kingdom, ruling over whom, and after what manner they pleased. This family had rose but lately from nothing; and it was so much the stranger, that they pretended, and others suffered them to usurp such a dominion as extended

not

not over the *cavaliers* alone, but even such of the *revolution party*, as were of any other interest beside theirs, felt the heavy effects of it. From this short abstract of the Earl's life, it is easy to gather, that he was false and cruel, covetous and imperious, altogether destitute of the sacred ties of honour, loyalty, justice, and gratitude. And, lastly, a man of very great parts, else he could never have perpetrated so much wickedness: he had, indeed, a piercing judgment, a lively imagination, a quick apprehension, a faithful memory, a solid reflexion, and a particular talent of dissimulation and cunning, in their greatest extents, so that he was seldom or never to be taken at unawares. He was extremely facetious and diverting company in common conversation, and, setting aside his politics, (to which all did yield) good-natured. To these qualifications was likewise added that of eloquence, being so great a master of it, that he expressed himself, on all occasions and subjects, with so much life and rhetorick, and that likewise so pointedly and copiously, that there was none in the parliament capable to take up the

H cudgels

cudgels with him. Had a judgment of his inside been taken from his outside, he might well enough have passed for that of which he was the least. These endowments, much improved by long experience and application in business may justly entitle him to be ranked among the greatest, though, at the same time, likewise among the worst men in this age: and what has been said of him, may serve for a character of his two brothers, Sir *Hugh* and Sir *David Dalrymple*, yea, the whole name: only with this difference, that though they were all equally willing, yet not equally capable of doing so much evil as his Lordship.

Having thus given a full account of the Earl of *Stairs*, before I return where I left off, I think it convenient to say somewhat of some of those persons who were chiefly concerned, and assisting to him in his projects, and shall, at this occasion, confine myself to the Earls of *Loudon*, *Leven*, and *Glasgow*.

Earl of Loudon's character.

Hugh, Earl of *Loudon*, was of all the persons concerned in the Govern-

vernment, without doubt amongst the best. He had nothing in his Nature that was cruel or revengeful, was affable, courteous, and just, betwixt man and man : and though he pursued his own maxims, and designs, yet it was in a moderate, gentlemanly way. Being descended of a family, enemies to *monarchy*, and educated after that way, and his fortune in bad circumstances, he easily dropt into the *court measures*, and was soon taken notice of, first made an extraordinary lord of the session, in which post he behaved to all men's satisfaction, studying to understand the laws and constitution of the kingdom, and determine accordingly. He was endowed with good natural parts, and had much improved them in his younger years by reading : and though he did not much affect to shew them in public, yet there were few exceeded him in contriving and carrying on a design, having a clear judgment and ready apprehension.

David, Earl of *Leven*, in the beginning of his life, was so vain and conceited, that he became the jest of all sober men ; but as he grew older, he overcame that folly in part, and from

Earl of Leven's character.

the proudest, became the civillest man alive. He was a man of good parts and sound judgment, but master of no kind of learning: and though he had once the command of a regiment, and was at last created lieutenant-general, and commander in chief of the forces in this kingdom; yet his courage was much called in question, upon sundry accounts, not necessary to be mentioned here. He was born and bred an enemy to the royal family, and therefore cheerfully embraced, and significantly promoted every thing against its interest. However, he was no ways severe; but rather very civil to all the *cavaliers*, especially such as were prisoners in the castle of *Edinburgh*, when he was governor, from whence he gained more of their favour than any man in the Government.

Earl of Glasgow's Character.

David, Earl of *Glasgow*, had nothing to recommend him, save that his surname was the same with the Duke of *Queensberry's*, being upon no account to be reckoned a man of more than ordinary sense. He was esteemed proud, arrogant, greedy, extremely false, and a great speaker at random; was so ridiculously vain, that he affected a great deal of respect and reverence as his

due; and nothing pleased him so much, as to dedicate a book to his lordship, and he was sure to take it, and its author, into his protection, provided much and frequent mention was made in the preface, of his illustrious and ancient family; though he, and all the world, knew his parents were, not long ago, boatmen; and since married to the heiress of *Kelburn*, a petty little family in the shire of *Air*; the representatives of which, until his father's time, never designed the laird, but always the goodman of *Kelburn*. However, having, by being concerned in farming the public revenues, scraped together a good estate, he wanted not ambition to be a man of quality, and concerned in the government; both which the duchess's favour and his own impudence procured him. Thus we see what height of ambition and impudence, without any merit, will bring a man in this world. There was no man had such a sway with the Duke of *Queensberry* as he; and I look upon him as the chief of those evil counsellors that persuaded and engaged him to follow, at least persevere, in such pernicious ways.

I have

Duke of
Athole de-
mands some
of his friends
in *Scotland*,
to concur
with him at
London.

I have now been so long out of the way, I must refresh my reader's memory with telling him, I left off after I had given him an account of the methods and proposals that were under consideration in *England*, concerning the management of *Scots* affairs, which induced the Duke of *Athole* to write to his friends in *Scotland*, to send up two or three of their numbers, to assist and support him against the torrent he was unable singly to oppose. Upon this account the Duke of *Hamilton* wrote to, and convened at *Edinburgh* a considerable number of the *cavaliers* and *country parties*; but before they came to a general, there were several previous meetings betwixt the Duke of *Hamilton*, on the one side; and the Marquis of *Tweeddale*, Earls of *Roths*, *Roxburgh*, *Haddington*, Lord *Belhaven*, *Bailly* of *Ferveswood*, *Home* of *Blackadder*, and *Hadden* of *Glenagies*, on the other; (who, though they were opposite to the court, were never esteemed staunch friends to the royal interest) and although there were several of the *cavaliers* at that time in town, such as the Earls of *Home* and *Strathmore*, Viscount
of

Stormont, Cochran of Kilmanorock, Lock-
bart of Carnwath, and several other
 gentlemen ; yet his grace never impart-
 ed the least of his mind to any of them ;
 but in conjunction with the other set,
 advises and resolves to pitch upon the
 Earls of *Rothes* and *Roxburgh*, and
 Baily of *Jervewood* ; and accordingly, ^{Earls of}
 at the general meeting, proposed these ^{*Rothes* and}
 three to be sent to *London*, to nego- ^{*Roxburgh*,}
 tiate and manage their affairs in con- ^{and Baily of}
 junction with *Atbole*: the cavaliers ^{*Jervewood*,}
 could not well oppose these persons ^{sent commis-}
 in their meeting, after they had been ^{sioners from}
 publickly named ; but they did not ^{the cavaliers}
 stick to tell Duke *Hamilton*, they ^{and country}
 were afraid they would mind their ^{party.}
 private, more than the public concerns,
 which came too truly to pass. They
 were instructed to inform Queen *Anne*,
 that they were sent by a very conside- ^{Their in-}
 rable number of parliament men, to ^{junctions.}
 acquaint her majesty, that being in-
 formed, that there had a great deal of
 pains been taken to persuade her ma-
 jesty, that a considerable party in this
 kingdom had been conspiring against
 her, (designing thereby to incense her
 majesty against her good subjects) and
 that to make this the more feasible, a
 H 4 plot

plot was pretended to be discovered; and being likewise informed of several *designs* on foot, and advices given, (particular narrating the abovementioned proposal made by the Earl of *Stairs*) which were inconsistent with the laws, honour, and welfare of the kingdom; they thought it their *duty* to represent to her majesty, the necessity of allowing the parliament to meet as soon as possible, where this plot might be enquired into, and such as were found guilty, be punished; and such measures taken, as would, for the future, prevent all designs against her majesty and government, discourage all endeavours to create groundless jealousies betwixt her majesty and her good subjects, and secure the kingdom from the effects of those pernicious projects that were on foot, with design at one stroke to debase the honour, and enslave the freedom, of this her ancient and independent kingdom. And though these gentlemen had afterwards the impudence to deny that they received any instructions at all; yet I am positive I heard them read unto, and approved of by their meeting, and afterwards I saw them delivered unto them, and they promised to fulfil them: and had they faithfully performed it, they had done good service

Their behaviour.

vice to their country, and gained a great deal of honour to themselves. It is true indeed they did attend the queen, and deliver their commission; but they were not long in *London* before they were prevailed upon to depend as sneakingly on the *English ministry*, as those against whom they had often exclaimed on that very head, and did engage to serve and promote their designs, against the interest of their country, whose rights and privileges they had, till now pretended to maintain, preferable to any other thing, and distinguished themselves with a zeal therein before others. It is hard to say, whether they had this project of raising themselves, and turning tail to their friends, before they left *Scotland*, or if they were prevailed upon after they came to *London*; for my part, I am of the last opinion; because I am certain my Lord *Yester*, (who was conscious to all their private views, and their oracle) was against the measure of sending up any to *London*; next the measure came from the Duke of *Atbole*, who had no other design, but that a formidable appearance might be made, in opposition to the swarm of courtiers that appeared this *winter* at court: and lastly, that the chief, if not the only reason that

Reflections
on this affair.

As to the
commission-
ers.

As to the
Duke of *Hamilton's* part.

that induced the Duke of *Hamilton* to pitch upon these three, was to unite them, and that party to stand fixed by him against the Duke of *Queensberry*, his inveterate enemy; so they were not the authors of the measure; and were but by chance entrusted with the management of it: but no satisfying reason can be alleged, why the Duke of *Hamilton* did altogether neglect advising with, or so much as communicating his design therein to the *cavaliers*, and not add some of their number to the other three, in whom he and they might have entirely confided.

As affairs stood at this time in *Scotland*, the Lord *Godolphin* was fully convinced, that the Duke of *Queensberry* would not be able to carry through Queen *Ann's*, or rather *England's*, designs there; and he lay under a necessity to endeavour to have the succession of the house of *Hanover* established in that kingdom; because his enemies in *England* asserted, he was an enemy to it; and that it might have been done, had he not secretly opposed it. And now being resolved to clear himself of that imputation, he advises how to effectuate it to the best purpose, and resolves to draw up with the Earls of *Rothes* and
Rox-

Roxburgh, and Bailly of *Jervewood*; proposing, by thus dividing the *Cavaliers* and *country parties*, to carry his designs through.

Earl of *Rothes* had not, that I know of, one good property to recommend him, being false to a great degree, a contemner of honour and engagements, extremely ambitious, ridiculous, vain, and conceited, (though of very ordinary parts and accomplishments) extravagantly proud, and scandalously mercenary. No man was more forward in the *country party*, nor did any profess greater regard to the royal family, than his Lordship, and that with repeated oaths and asseverations: but, alas! he had neither enough of sense nor honesty to resist the first temptation.

Earl of *Rothes's* Character.

John Earl, afterwards Duke of *Roxburgh*, made his first appearance in the world to the general satisfaction of all men. He was a man of good sense, improved by so much reading and learning, that, perhaps, he was the best accomplished young man of quality in *Europe*; and had so charming a way of expressing his thoughts, that he pleased even those against whom he spoke:

Duke of *Roxburgh's* Character.

spoke : And it was a thousand pities a man so capable to do good, should have proved the very bane and cut-throat of his country, by being extremely false and disingenuous, and so indifferent of the ties of honour, friendship, vows, and justice, that he sacrificed them all, and the interests of his country, to his designs, *viz.* rebauce and ambition.

Baily of Jervewood his Character.

George Baily of Jervewood, was more, proud, and severe ; but of a profound, solid judgment, and, by far, the hardest headed man of all his party, to whom he was a kind dictator. In *King William's* time he had gained a great reputation, by standing so stiffly by the interest of his country ; but being of a rebellious race, he never had the least thought of serving the royal family ; and though he joined with the *cavaliers* and *country parties*, in opposition to the Duke of *Queensberry*, and the court measures ; yet he always favoured the *Hanoverian Succession* ; and therefore as soon as the court of *England* inclined to that measure, he soon left his maxims and measures, and, being once dipped, never fell off, but served them to the latter end.

The

The *L. Godolphin* knowing, no doubt, that these gentlemen were fit for his business, employs *Johnstoun* (who was Secretary to King *William*, and so vile and execrable a wretch, that he deserves not so much room here, as to have a large character, though indeed he was a shrewd cunning fellow) to manage it with them. And being very intimate with them, and their friends, soon brought it to a conclusion: they engaging for themselves, the Marquis of *Tweeddale*, and other friends at home, that if the Queen would empower them to pass a few inconsiderable limitations upon her successors into laws, and give them the management of the government, and disposal of all offices and employments, they would prevail with the parliament of *Scotland*, to settle the succession of that crown after the same manner as in *England*; which the *English* Ministers acquiesced to, knowing well, they could easily repeal the limitations in a subsequent parliament, if once the main point, *viz.* the succession, were granted. All this, however, was to be kept a mighty secret; so when these gentlemen returned to *Scotland*, (a meeting of those that commissioned him up being called) they reported the effects of their journey, and, in short, made it to have no

The Terms
of the Bar-
gain.

They return
home and re-
port.

ef-

And after be- effects at all: but by this time there
haviour.

were some little surmises of their going
ever to the *Court*; and being challeng-
ed upon it, they, particularly *Rothe*
and *Roxburgh*, denied it with solemn
oaths and imprecations. About a
month after this, it was publickly

Their deserti- known, that the Marquis of *Tweeddale*
on public.

was to be commissioner to the next
parliament: and though the Duke of
Hamilton, and the *cavaliers*, knew well
enough the nature of the bargain that
was agreed to, and what was designed
by them; yet they resolved to appear
ignorant, and behave towards them, as
if they had not the least apprehension
of their designing any thing that was
bad; but, in the mean time, leave no-
thing undone to advance their own
concerns: and therefore it was recom-
mended to every one to be as diligent
as possible, in setting matters in a true
light, that honest well-meaning people
might not be deceived by specious pre-
tences, and to understand other people's
sentiments, that a judgment might be
made how matters would go in the par-
liament, on whom they might confide,
and whom they should distrust.

The Marquis
of *Tweeddale's*
Character.

The Marquis of *Tweeddale* never ob-
tained any other character, than that
he

he was a well-meaning, but simple man; and I have the charity to believe, he was forced against his will by his friends, and those he trusted, (who made a meer tool of him) to enter into many of these bad measures he pursued; so I may safely say, he was the least ill-meaning man of his party, either thro' inclination or capacity.

About the time it was owned Queen *Anne* had appointed him commissioner to the next parliament, the Duke of *Queensberry* was laid aside from being one of the secretaries of state; and his conjunct the Earl of *Cromarty* remained sole secretary all the ensuing parliament.— The Earl of *Lansdown* was reinstalled governor of the Castle of *Edinburgh*, in the Earl of *Marche*'s place. The above-mentioned Mr. *Johnstoun* succeeded Sir *James Murray* of *Philiphaugh*, as Lord Register, and the Earl of *Glasgow*, treasurer deputy, was turned out; but nobody was named to fill up that vacancy, nor any others that were in employments deposed at this time, designing to gain over some to their measures by promises and expectations of preferments, and bubble others that were overlooked with the hopes of being continued, provided

Alterations
in the go-
vernment.

Earl of
Rothers's and
Roxburgh's
false parts.

provided they went cordially along with this new set of courtiers. All this time, and even during the whole session of parliament, the Earls of *Rothers* and *Roxburgh* (with their wonted oaths and imprecations, though few gave them any credit) still pretended to the Duke of *Hamilton*, and the *cavaliers*, to be as honest as ever; and that they would never go into any measure that was against the interest of the royal family or country; and that their only design of coming into the government, was to dispossess the Duke of *Queensberry*, and his accomplices; and proposed to attack them for their horrid designed plot. But though others having resolved to enter into no measures with them, replied, that it was time enough to think of these things when the parliament was met, and still carried fair with them above-board.

Agreement
betwixt the
cavaliers and
the Duke of
Queensberry's
friends.

But in the mean time, by the negotiations of the Earl of *Home*, and *Cochran* of *Kilmaronock*, on the one side; and the Earl of *March*, and Sir *James Murray* of *Philiphaugh*, on the other; it was agreed, that the examination of the plot should not be pushed any length, provided the Duke of *Queensberry's* friends in parliament, (for he came

came not down to *Scotland* himself) would join with the *cavaliers* to oppose the succession, and other measures of the court: And to tell the truth, it was no great difficulty to obtain this from them; for most of them, when left to themselves, were very well inclined, and had been dragged against their wills to do many things they naturally abhorred, by their friendship to, and dependence upon his grace. But I must say the Dukes of *Hamilton* and *Athole* gained a great deal of honour, by consenting to this agreement; since they had a fair occasion of being sufficiently revenged upon the Duke of *Queensberry*, and his partisans: And it was generous in them to prefer the public good to their own private resentments. And it would have been good for them, and us too, they had oftener done the same.

Reflections upon the Dukes of *Hamilton* and *Argyle's* conduct.

The Earl of *Seafield*, chancellor, soon left his old friends, and worshipped the rising sun; the Earl of *Cromarty* behaved after the same manner, and made a long ridiculous speech in favour of the succession; though his friends, which were numerous, stood firm to the *cavaliers*. The Marquis of *Montrose*, (but without being followed by any of his friends, except *Graham* of *Gorthie*, which he resented extremely) the Marquis of *Tweeddale*,

A list of those that deserted the *cavalier* and *country* parties.

dale, the Earls of *Roths*, *Roxburgh*, *Hamilton*, and *Selkirk*, the Lord *Belhaven*, *Dundas* of *Armistown*; *Cockburn*, younger, of *Ormistown*; Sir *John Home* of *Blackadder*; Sir *William Ken* of *Greenhead*; *Bennet*, younger, of *Grubbet*; baily of *Lamingtoun*; baily of *Ferveswood*; *Sinclair*, younger, of *Stevenson*; *Halden*, of *Glenagies*; Sir *William Anstruther*, of *Anstruther*; *Douglas* of *Strenie*; *Halyburton* of *Pitcurr*; and *Bruce*, younger, of *Kimrofs*, barons; *Patrick Bruce*; *Alexander Edgar*; Sir *John Anstruther*; Sir *John Areshme* of *Alba*; *James Spittle* of *Leuchat*; and Sir *James Hacket* of *Pitfirran*, burrows; all formerly of the cavalier, or country parties, did now desert them; and, in the succeeding parliament, promote the measures of *England* with all their might: And they were very confident, they would be able to carry all before them successfully; particularly *Johnston* the register, (though he saw he was odious to the nation) took so much upon him, that he had the imprudence, or rather, impudence, to say several times publicly, before the parliament met, that the parliament must, and should swallow down the succession: But he soon found it was not such a mean, servile parliament, as he had to do with in 1695, to suffer him to bully and dictate

to them ; for notwithstanding of this great defection of so many, and so considerable numbers, and their great diligence and assurance of success ; what by the assistance of the Duke of *Queensberry's* friends, (who were now left to themselves) and the courage and conduct of the *cavaliers*, the designs of the court were all frustrated, and the honour of the nation asserted.

But now I proceed to the parliament itself, which met the 6th of *July*, 1704, the Marquis of *Tweeddale* being commissioner thereto. Parliament meets.

The Queen's letter, commissioner and chancellor's speeches, were of the ordinary strain, exhorting to unity, promising good laws, and encouragement to trade ; and demanding supplies for the support of the army ; but the settlement of the succession of the crown on the house of *Hanover*, was the main scope, and chiefly insisted on, and recommended as necessary to establish peace, and secure the protestant religion. And I observe, that generally both these are in danger at the approaching of a parliament, the best things being often thus made a bad use of, *viz.* to squeeze and drain the country of money, to gratify the ambition, and supply the avarice of its greatest, that is, domestick enemies.

The first two days being spent in constituting the house, and discussing of controverted elections: On the 3d *sederunt*, (being the 13th of *July*) the Duke of *Hamilton* presented the following resolve: "That this parliament will not proceed to the nomination of a successor to the crown, until we have had a previous treaty with *England*, in relation to our commerce, and other concerns with that nation."

This resolve was compiled and presented, after serious consideration, in order to put a bar upon the succession's being established, before the courtiers had time to work upon, and seduce the members. The court was much surprized and perplexed, not expecting the *cavaliers* would have begun so early on that subject; and they hoped to have had time to gull over some of the members, with passing a few inconsiderable limitations. After the resolve was read, and some pickering discourses followed thereon, it was agreed, that the resolve should lie upon the table till next *sederunt* (being the 17th of *July*); and the consideration thereof be reassumed in the first place; which the Duke of *Hamilton* having, on the said day, accordingly moved; after some debates, (wherein many members, particularly Mr. *Fletcher* of *Salton*, did elegantly

elegantly and pathetically set forth the hardships and miseries to which we have been exposed, since the union of the two crowns of *Scotland* and *England* in one and the same sovereign; and the impossibility of amending and bettering our condition, if we did not take care to prevent any design, that tended to continue the same, without other terms, and better security than we have hitherto had) the Earl of *Rothes* presented another resolve in these terms: “Resolved, that the parliament will proceed, in the first place, to the consideration of such conditions of government, as may be judged proper for rectifying our constitution; and to vindicate and secure the sovereignty and independency of the nation; and then the parliament will take into consideration the other resolve offered for a treaty, previous to the nomination of a successor to the crown.” The court being very positive they would be strong enough to give this last the preference, and therefore approve of it, and reject the other resolve, moved that a vote might be stated, which of the two resolves should come first under the house’s consideration? Whereupon brisk speeches and sharp reparties were made by both parties, and great heats arose, which continued a long time, till

A counter resolve by the courtiers.

Lord *Phes-*
do's speech.

Conjoining
the two re-
solves.

till somewhat allayed by that worthy and learned judge, Sir *James Falconer* of *Phesdo*, who spake to this purpose;
 “ That he was very glad to see such an
 “ emulation in the house, upon account
 “ of the nation’s interest and security;
 “ that he thought both the resolves under
 “ their consideration, so good and neces-
 “ sary, that it was a pity they should
 “ jumble with one another; and there-
 “ fore moved, that both should be con-
 “ joined in the following manner; Re-
 “ solved, that this house will not pro-
 “ ceed to the nomination of a successor,
 “ until we have had a previous treaty
 “ with *England*, for regulating our com-
 “ merce, and other affairs with that na-
 “ tion. And further resolved, that this
 “ parliament will proceed to make such
 “ limitations and conditions of govern-
 “ ment, for the rectification of our con-
 “ stitution, as may secure the religion,
 “ independency, and liberty of this na-
 “ tion, before they proceed to the nomi-
 “ nation of a successor to the crown.
 “ And this motion (added he) will, I
 “ hope, be satisfying and agreeable to
 “ both sides; since there was nothing
 “ repugnant in the one to the other, and
 “ that both had their desires granted.”
 The whole *cavaliers* seconded the motion,
 but the *courtiers* as unanimously opposed
 it;

it: for since their darling succession was impeded by the first resolve, they were more averse to the second than any others; their only design of proposing the limitations, being to promote the succession; and therefore if the first resolve must pass, they would willingly have dropped the other, though it was their own child. And next, this resolve, if approved, propaled, at the very beginning of the parliament, their incapacity to manage the nation, and make good their engagements to the *English* ministry: But the cavaliers insisting upon it, as what comprehended every man's wish, viz. religion, liberty, and trade; and observing that it took with the house, called for, and pressed a vote upon it; which being often shifted and postponed by the court, (the chancellor not giving orders as he ought, to the clerks to call over the rolls upon any question offered by a member, and seconded by others) a certain member, in answer to a discourse made by my Lord *Roxburgh*, told the house, "He remembered very well that "a noble lord, (meaning his lordship) "in the last session of parliament, in "such a parallel case, when a vote was "refused to a considerable number of "members demanding it, was pleased to "express himself thus: That if the nation

"tion was to be so treated, he knew no
 "way to be taken, but to demand the
 "vote with sword in hand; and (continues the member) I cannot see but the
 "encroachment upon the liberties of the
 "house is as great now as then; and if
 "such measures were allowable and necessary then, they are certainly so still;
 "to avoid which, and the pushing matters to the last extremity; he moved
 "the vote may be stated, approve the
 "resolve or not; and, if I am seconded
 "in the motion, I will not sit down till
 "the vote be begun." And the cavaliers having unanimously seconded the motion, and required the vote, the court dared not any longer obstruct it, contenting themselves by proposing a previous state of a vote, *viz.* whether the two resolves should be voted jointly or separately; the former of which was carried by a great majority. And thereafter the two resolves, as conjoined together, being voted, were approved by a vast plurality of voices.

Resolves con-
 joined, ap-
 proved.

The temper and inclinations of the people were very remarkable on this occasion; for after the parliament was that day adjourned, the members that had appeared more eminently in behalf of the resolve, were caressed and huzzaed as they passed in the streets, by vast numbers;

bers; and the Duke of *Hamilton* was after that manner convoyed from the parliament house to the *Abbey*, and nothing was to be seen or heard that night, but jollity, mirth, and an universal satisfaction and approbation of what was done, and that by people of all ranks and degrees. This, you may be sure, did much exalt the cavaliers, to see themselves from being a poor, despised, oppressed party, become so powerful as to carry such a material point in parliament, and gain the love and good wishes of the nation for so doing. This, I say, did much encourage them, and induce them to renew their assurances, of continuing faithful in defence of their monarchy and country.

But to return to the parliament: The courtiers now perceiving they could do nothing, unless they divided the cavaliers and the Duke of *Queensberry's* friends, resolved to throw a bone amongst them that should fet them together by the ears. The 8th of *August* being appointed for nominating commissioners to treat with *England*, (of which more hereafter) several motions were made on that head, and the house was proceeding upon it; but the Lord *Belhaven*, in a long discourse, left the matter in hand, and gave a full account of the plot; and having, by this means,

The courtiers
table the plot.

means, spent so much of the day, that it was impossible for the house to reassume and finish the former debate ; Mr. *Fletcher* of *Salton*, (to give the court a *Rowland* for their *Oliver*) spoke to this purpose : “ That he was sorry the debate “ had been interrupted ; but since the “ plot and proceedings of the *English* “ house of lords had been mentioned, “ he was of opinion, the house could “ not pass by it, without taking it into “ consideration ; and he having there- “ after exposed the encroachments of “ the house of lords, on the freedom of “ this nation, by presuming to judge of “ what they termed, a *Scotch conspiracy*, “ as the greatest step that ever was made, “ towards asserting *England’s* dominion “ over the *Scots* crown ; he hoped the “ house would shew its resentment of “ it ; and for that end presented the following resolve, which he craved to “ be read and voted, being seconded “ by all the cavaliers : Resolved, that “ the house of lords address to the “ Queen, in relation to the nomination “ of their successor to our crown ; and “ their examination of the plot, in so “ far as it concerned *Scotland* and *Scotsmen*, was an undue intermeddling “ with our concerns, and an encroachment upon the honour, sovereignty, “ and

Which terminates in a resolve against the house of lords.

" and independency of this nation ;
 " and that the proceedings of the house
 " of commons, were like those of good
 " subjects to the queen, and good
 " neighbours to us." Though the Earl
 of *Roxburgh*, the Lord *Belhaven*, and
 Bailly of *Ferviswood*, and many more of
 the courtiers, were amongst the num-
 ber of those that were bespattered by
 this plot, and would willingly all of
 them have prosecuted the authors of it
 to the utmost extremity ; yet durst they
 by no means consent to this resolve, be-
 cause it loaded, and was levelled against
 their superior powers, the peers of *Eng-
 land* ; and therefore they opposed it with
 all their might : but the matter was so
 hotly handled, and the injustice, in-
 croachment, and usurpation of the house
 of lords, so clearly proved ; and the ne-
 cessity of resenting the same, (lest in a
 few years the *English* should pretend
 their dominion and power over us was
 prescribed (so effectually represented,
 that when it was put to the vote, the
 first branch, with relation to the lords,
 was approved by a great majority ; but
 the other branch, concerning the com-
 mons, was rejected, many being of opi-
 nion, it would have been an undue in-
 termeddling in the *English* concerns, for
 the *Scots* parliament to declare its opi-
 nion, whether the *English* were in the
 right

*Courtiers dis-
spirited.*

*Propose act of
supply.*

right or the wrong to the queen, as queen of *England*? and below the *Scots* parliament to return them thanks for not invading the rights and liberties of *Scotland*. This clause was not much valued by the cavaliers; since the only design of inserting it, was to cajole the house of commons, at that time in very bad terms with the house of lords: but the kind reception the other branch met with, very much humbled the courtiers; for they knew not what apology to make to their masters, the *English* lords; and now perceiving they had, and would be still baffled in all their other designs, and would have blessed their stars, could they have been so happy as to obtain some subsidies, and adjourned the parliament upon it. But no sooner was that motion made, than the act of security was set in opposition to it; and afterwards (in imitation of an *English* custom, called *tacking*) presented as a clause to be added to the cess act; and the court perceiving, that the first would not pass without the second, proposed, and the other party agreed, that the act of security first, and then the act for a subsidy, should have a first reading; and that both should lie on the table, until the commissioner received instructions from the queen concerning the

the former ; and that being done, the house might reassume the debate : and now I must tell you, that the courtiers being all along persuaded of their power to carry through the succession, with few limitations granted in lieu thereof, had not made any demands, or required instructions concerning the act of security ; but now that they were fully satisfied of their mistake, they were obliged to inform the queen, that their measures being quite broke, matters were come to that height, she must either allow her commissioner to grant the royal assent to the act of security, or resolve to adjourn the parliament, without obtaining money to pay her troops. The queen and her ministers of *England*, considering what a noise these animosities betwixt her two kingdoms would make in the world, thought it better to satisfy the desires of the people, by allowing that act the royal assent, than by refusing it, to increase the divisions, and be obliged to disband the army ; and thereupon the commissioner having acquainted the house, that he had obtained the queen's consent, to pass the act of security into a law, it was soon read, voted, approved, and touched with the royal sceptre : but the Marquis of *Annandale*, having, in the former sessions, protested against it.

*AS of security
approved and
made a law.
Marquis of
Annandale
protests against
it.*

pro-

*Act of supply
approved.*

*Several over-
tures for Acts
presented.*

protested against that clause in the said act, which seciuded the king or queen of *England* in such cases, and without such concessions as were therein particularly specified; and being then adhered to by the Earl of *Crawford*, *Lawderdale*, *Leven*, *Kintore*, and *Hyndford*, the Lord *Elphinston* and *Ross*, *William Morrison* of *Prestongrange*, Sir *Gilbert Elliot* of *Minto*, *Archibald Douglass* of *Cavers*, Mr. *Francis Montgomery* of *Giffin*, and Sir *James Campbell* of *Auchinbreck*, barons; Sir *Paul Johnston*, *Walter Stuart*, and *Hugh Montgomery*, burrows; they did all again renew their protestation against the said clause. After this, the parliament granted the queen six months cess, payable in twelve months time, and then went upon the report of the committee, appointed last sessions, for examining the accounts of the public funds. In the mean time several good laws were presented as overtures; such as an act for a further representation of the state of barons, in regard of the late increase of peers; and an act for freedom of voting in parliament, excluding all officers of the army, and others any ways concerned in her majesty's revenue, for electing, or being elected, members of parliament; and three or four other good laws, for regulating several abuses; but none of them were finished this sessions.

sions. It was a great pity this parliament did not proceed to name the commissioners for treating with *England*, which was a necessary consequence of the resolve. It was often moved, and I observed before, once so far advanced, that a day was set apart for the same. But the misfortune was, the cavaliers could not agree amongst themselves; and this occasioned its being wholly put off this session. But had the two Dukes of *Hamilton* and *Athole*, been prevailed upon to lay aside their piques, and allowed the Duke of *Queensberry*, and Earl of *Seafield*, to have been two of the number, their friends were willing to have joined with the cavaliers in all the rest; by which means there would have been 22 of the 24 treaters on their side and party: but the two dukes, notwithstanding all the solicitations and arguments used by their friends to the contrary, would not hear of it; but vowed and protested, if it were done, they would never more concern themselves; so that the cavaliers, to satisfy these two persons ambitious designs, and in compliance with their private animosities and quarrels, were constrained to lay aside the nomination during this session, though they plainly saw, they would never again have such an opportunity of placing honest men in it. The parliament having thus

gone

Duke of Hamilton and Athole, and the cavaliers behaviour in relation to the naming the treaters.

*Parliament
adjourned.*

gone through the most considerable affairs before them, was adjourned on the 28th of *August* 1704.

*Alterations
in the govern-
ment.*

And immediately after, the courtiers went away to *London*, where the Marquis of *Tweeddale* was made chancellor; Earls of *Seafeld* and *Roxburgh*, secretaries; Earl of *Roths*, privy seal; Earl of *Cromarty*, justice general; Mr. *Baily* of *Ferviswood*, treasurer depute; Earl of *Selkirk*, Lord *Belhaven*, and Sir *John Home*, lords of the treasury; Sir *William Hamilton* of *Whitlaw* was also made justice clerk; but he lived not to enjoy that office many months, and was succeeded by *Adam Cockburn* of *Ormistown*.

*Sir William
Hamilton of
Whitlaw's
character.*

The first of these was bred a lawyer, and, after the revolution, raised to the bench upon account of his whiggery and disloyalty. He soon displayed a froward, haughty mind. Betwixt man and man, wherein he had no particular concern, he was just; but extremely partial where his friend, or his own politicks, interfered. He had a sound, solid judgment; but all his actions were accompanied with so much pride, vanity, ill-nature, and severity, that he was odious to every body. He gloried in his malice to the royal family, and was a great promoter of the
Ha-

Hanoverian Succession. People were generally well satisfied, that he slipt the head; but they had small reason to brag of the change. For,

The other was a zealous revolutioner, and bigoted *presbyterian*, which recommended him to king *William*. Adam Cockburn of Ormiston, his character.

He was a man of good understanding, and wanted not abundance of application to business; but of so hot, virulent, turbulent, and domineering a temper, that he was uneasy even to his own party. Of all that were concerned in the government, there was none equalled him in vindictive persecution of all that he thought enemies to the established government of either church or state, having upon that score, regard for neither sex, age, or quality; but, *Jehu* like, drove always most furiously on, and, by these means preserved his interest at court, serving as a scare-crow to terrify others.

A new commission of council was likewise sent down, by which most of the cavaliers, and all the Duke of *Queensberry's* friends were cashiered, and made up entirely of their own gang.

A new commission of council.

K

And

Reflections
on this set of
ministers.

And thus was the government lodged in the hands of a set of men, that had nothing to recommend them, besides their cheerful concurring with the designed ruin of their native country ; and that by deserting and betraying, under trust, those by whom as above narrated, they were commissioned and sent to *London*, contrary to their most sacred oaths and solemn vows, all rules of honour, and common notions of integrity and ingenuity.

But few and evil were their days ; and indeed they behaved themselves as if they had known so much from the beginning, and were resolved to make the best use of their time ; for it is not to be imagined, how much they were exalted, and how arbitrarily they demeaned themselves.

After the posts and employments were, as above, disposed of, all the courtiers, excepting the two secretaries, the Earls of *Seafeld* and *Roxburgh*, returned to *Scotland*, and took upon them the administration of affairs ; in which they not only disobliged many, but gained the contempt of all the world, by their indiscreet, haughty behaviour, and the frequent blunders they daily committed, especially the Marquis of *Tweeddale*, who was altogether

gether incapable to exercise his office.

Now the people of *England* began to enquire into the state of *Scotland*: they saw the Marquis of *Tweedale* and his party, were so insignificant, that they were trampled upon, and despised through the whole nation: yet nevertheless the Lord *Godolphin* favoured them, because their scheme of settling the succession, by the concession of a few deluding limitations, would, as he thought, be safest for *England*, and easily afterwards repealed, by a subsequent parliament, if once the monarch were fixed on the throne. But the

Godolphin favours them.

Dukes of *Queensberry* and *Argyle*, on the other side, applied themselves with so much success, to the *whigg* lords, (now the prevailing party in *England*), that they undertook for them. The

The *whig* lords favour the Duke or *Queensberry* and *Argyle*.

“two dukes represented to them; “that “the Duke of *Queensberry* had been laid “aside for no crime, and no reason given, but what testified his “firmness and resolution, in opposing “every thing that was disagreeable and “inconvenient to *England*: that the “Marquis of *Tweedale*, and his party, had been zealous promoters of “the act of security, both in framing “it in Parliament, and afterwards in “procuring the royal assent to it.

“that they were so insignificant, they
 “could do nothing; but granting they
 “should prevail, and carry the suc-
 “cession by these limitations, of what
 “dangerous consequence must even
 “that prove; since thereby a great
 “part of the chief means *England* had
 “to continue *Scotland* under its obedi-
 “ence, was removed, and perhaps ne-
 “ver to be recovered.” These, and the
 like considerations, had the desired ef-
 fect with the *whigg* lords, who pre-
 vailed so far with Queen *Anne*, and
 her ministers, as to lay aside this
 motley ministry in *Scotland*, (as they
 termed it in *England*) and lodge the
 government again in the duke’s hands.
 Since I have made mention of the Duke
 of *Argyle*, and as he is to make a
 great figure in what follows, it will not
 be amiss to say somewhat more particu-
 larly of him.

And prevail.

Duke of *Ar-*
gyle his cha-
 racter.

James Duke of *Argyle*, succeeded his
 father, not only in his estate, honours,
 and employments; but likewise in his
 lewdness and disloyalty, and, if it
 was possible, exceeded him in them
 both. He was not, strictly speaking, a
 man of sound understanding and judg-
 ment; for all his natural endowments
 were sullied with too much impetuosi-
 ty, passion, and positiveness, and his
 sense

sense rather lay in a sudden flash of wit, than a solid conception and reflection; yet nevertheless he might well enough pass as a very well accomplished gentleman. He was extremely forward in effecting what he aimed at and designed, which he owned and promoted above board, being altogether free of the least share of dissimulation, and his word so sacred, that one might assuredly depend on it. His head ran more upon the camp, than the court; and it would appear nature had dressed him up accordingly, being altogether incapable of the servile dependency, and flattering insinuations requisite in the last; and endowed with that cheerful, lively temper, and personal valour, esteemed and necessary in the other. In *Scotland* he affected and gained the leading of the *presbyterians*, as his father had done before him, and was upon that, and other accounts, a very significant member.

The great difficulty and question at *London* was, what measures were to be taken to make the new designed ministry successful. They foresaw, the other party, when laid aside, would oppose them; and being convinced that it was impossible to carry the succession in *Scotland*, unless *England* and she were

Proceedings
in *England*.

in

in better terms, resolved to authorize the queen to set a treaty on foot, and nominate and appoint commissioners to meet and treat with those of *Scotland* for that effect. And accordingly an act for that purpose was framed and passed in parliament; but withal so imperious and haughty, that the like treatment was never given by one nation to another: for in the very act itself, they direct the *Scots* parliament, after what manner the *Scots* commissioners were to be chosen; expressly prohibiting their own commissioners (whom they allowed the queen to name) to meet and treat with those of *Scotland*, unless the parliament of *Scotland* did allow the queen the naming and appointing of them: and further, to frighten the *Scots* into a compliance, they declare all *Scotsmen* to be aliens, and incapable to enjoy the liberties and privileges of *Englishmen*; prohibit the importation of *Scots* cattle and linen-cloth into *England*, and exportation of horses and arms into *Scotland*: and ordain, that ships should be appointed to disturb and molest the *Scots* trade, with several other prohibiting clauses; all which were to take place about eight months thereafter, viz. Christmas 1705. Then they addressed the queen, that she would grant the royal assent to the

the abovementioned act; and gave orders to send down troops to the borders, and put the towns of *Newcastle, Tinnmouth, Berwick, Carlisle, and Hull*, in a posture of defence.

This was a strange preamble and introduction towards an agreement, first, to propose an amicable treaty, to remove grudges and animosities betwixt the two nations; but at the same time threaten the *Scots* with their power and vengeance, if they did not comply with what was demanded of them: and truly all true *Scotsmen* looked upon it as a gross invasion on their liberties and sovereignty, and an insolent behaviour towards a free and independent people; and it was odd so wise a nation as *England* should have been guilty of so impolitic a step; for they could not have proposed a more effectual way to irritate the *Scots* nation, (when I say the *Scots*, I exclude the courtiers and mercenary members of parliament from that category) and I look upon it as the first rise and cause of the general, I may say, universal aversion, that appeared afterwards to the union: and I never could hear a satisfying reason given for it, saving once I was assured, by a pretty good hand, that the *English* would not have presumed or ventured upon it, had not our
own

own statesmen proposed it to them, as what would effectually frighten us to yield to what was demanded by them: vile, ungrateful, rapacious vultures! thus to tear their own vitals. Little did they consider the rock upon which they ran the queen, when, by advising her to consent to a deed, depriving her subjects of her protection, and declaring them aliens, she, at the same time, absolved them of their allegiance to her; especially since it was a received orthodox maxim, at, and since the revolution, that protection and allegiance are reciprocal; or, it seems, they had not advised with the learned *Bacon* or *Cook*, who would have taught them, it was the constant, unanimous opinion of all the judges and lawyers of *England*, since the union of the two crowns, that the *post nate*, that is, those born in the other kingdom, after the accession of the same monarch to be king of both kingdoms, were, by the laws of nature, and customs of all nations, freemen: and had an uncontroverted natural right to enjoy the privileges of the natural free-born subjects of the other kingdom. However, the *English* stood at nothing to promote their design, and were encouraged, by having so many *Scotsmen* to assist them in it.

Now

Now that the time the parliament was to meet approached, the above-mentioned alterations in the ministry were effected. The Marquis of *Tweeddale*, Earls of *Rothies*, *Roxburgh*, and *Selkirk*; the Lord *Belhaven*, Bailie of *Jerviswood*, and Mr. *Johnstoun*, were cashiered; the Duke of *Atthole* declared commissioner to the next parliament; the Earl of *Seafield* reinstalled chancellor; Marquis of *Annandale*, and Earl of *Leven*, made secretaries of state; the Duke of *Queensberry*, privy seal; and Sir *James Murray of Philiphaugh*, register; and all the counsellors that were laid aside by the last ministry, (except Sir *James Foulis* of *Colingtoun*, and Mr. *Lockhart* of *Carnwath*) restored. Now that we have discussed this set of ministers, let me complete the characters of the leading men of that party, by acquainting you, that

Alterations
in the go-
vernment.

Thomas Earl of *Haddington*, was entirely abandoned to *whiggish* and commonwealth principles, and one of *Cockburn* of *Ormistoun*'s beloved pupils; he much affected, and his talent lay in a buffoon sort of wit and raillery; he was hot, proud, vain, and ambitious.

Earl of
Haddington's
character.

John Lord *Belhaven*, was a man that could not be fixed to any party or principle, being a mighty projector, and still plodding

Lord *Bel-
haven*'s cha-
racter.

Now

plodding how to advance himself, and, for that end, steered his course to many opposite shores; by which means he became distrusted by both cavaliers and revolutioners. It was avarice and ambition moved him to desert the country party, and go over with the Marquis of *Tweeddale*: but as soon as he found them going down the hill, he left them altogether, and returned to his old friends; though, I am afraid, there is too much reason to believe, he acted a double part. In parliament, he affected long, premeditated harangues, wherein, having a prodigious memory, he used to be very full in citing such passages of history, as made for what he advanced, driving parallels betwixt preceding and present times. He was a well accomplished gentleman in most kinds of learning; well acquainted with the constitution of this kingdom; very dexterous in chusing the proper seasons and means of managing a debate in parliament; and a forward, useful member in a party.

The cavaliers applied to the Marquis of *Tweeddale*, and his party, (who were henceforward always called, the *Squadron volante*, from their pretending to act by themselves, and cast the balance of the contending parties in parliament)

ment) that they would again unite with them in defence of their country; but they positively refused to treat or concert with the cavaliers, resenting to the greatest height, the disappointments they met with last year.

The Duke of *Queensberry* did not think fit to come down to the beginning of this session of parliament, being desirous to see how affairs would go, before he ventured himself in a country, where he was generally hated and abhorred; and therefore he sent the Duke of *Atbole* down as commissioner; using him as the monkey did the cat, in pulling out the hot roasted chesnuts.

The Duke of *Hamilton*, before the parliament met, had been often conversing, and in private with the Earl of *Merr*, and a great familiarity and confidence appeared to be betwixt them.

James Earl of *Marr*, was descended from, and the representative of a family, noted for its loyalty on many occasions, both ancient and modern, and much beholden to the bounty of the crown. It is true indeed, his father embarked with the revolution. But if all be true that is reported, his Lordship gave a particular, though fatal, sign of

Earl of
Marr's
character.

of his remorse and repentance. This present gentleman's fortune being in bad circumstances; when he came to age, he devoted himself to the Duke of *Queensberry*, and the court measures; to which he always stuck close, till in the year 1704, he headed such of the Duke of *Queensberry's* friends, as opposed the Marquis of *Tweedale*, and his party's designs; and that with so much art and dissimulation, that he gained the favour of all the *tories*, and was, by many of them, esteemed an honest man, and well inclined to the royal family. Certain it is, he vowed and protested so much many a time; but no sooner was the Marquis of *Tweedale*, and his party, dispossessed than he returned as the dog to the vomit, and promoted all the court of *England's* measures, with the greatest zeal imaginable. If he was not a man of a good *coram vobis*, and was a very bad, though very frequent, speaker in parliament: but his great talent lay in the cunning management of his designs and projects, in which it was hard to find him out, when he aimed to be *incognito*: and thus he shewed himself to be a man of good sense, but bad morals.

Imposes on
the Duke of
Hamilton.

The Duke of *Hamilton*, no doubt, expected, and was in hopes to have drawn him over from the Duke of *Queensberry*; but

but his lordship found a way to insinuate himself so much into his grace, and bubbled him so far, that I have good reason to attribute his grace's appearing with less zeal and forwardness in this ensuing, than in former parliaments, to some agreement that passed betwixt them two: and particularly, I was told by a person of knowledge and integrity, that he knew the Duke of *Hamilton* did promise not to oppose the queen's affairs; and chiefly her having the nomination of the commissioners to the then designed treaty, provided he himself should be one of the number, which was agreed to; but more of this hereafter.

At the opening of this session of parliament, which met the 28th of *June*, 1705, there appeared three different parties, viz. the cavaliers, the *squadron* or routed courtiers, and the present courtiers; which last consisted of true-blue *presbyterians* and revolutioners, and such as enjoyed pensions, and civil or military posts.

The parliament meets.

Different parties.

The Duke of *Queensberry*, as I said before, pretended sickness, and one excuse after another, to avoid being present at the beginning of this session, that he might see how affairs were like to go; and whether or not he might venture himself in *Scotland*: and likewise let the world see, that though the Duke of *Arbore* was

The Duke of *Queensberry's* power.

was commissioner ; yet he was not able to oppose the cavaliers, unless he came down, and, by his presence and influence, assisted and supported him : and indeed, while he was absent, such of his friends and followers, who were left to follow their own inclinations, and join with the cavaliers last sessions, still continued in that way, and so the court measures were baffled in every thing that came before the parliament ; but no sooner was his grace amongst them, than, one way or other, he persuaded them every one to return again to his beck, and act as he proposed and directed, though against their own inclinations and judgments. And here I cannot but wonder at the influence he had over men of sense, quality, and estates ; men that had, at least many of them, no dependence upon him ; and yet so much deluded, as to serve his ambitious designs, contrary to the acknowledged dictates of their own conscience ; for, at the same time, they knew and owned they were in the wrong, and would not some of them stand to say, that though they voted so and so themselves, yet they wished the cavaliers might carry all the votes.

Reflections
thereon.

The cava-
liers ma-
nagement.

This being matter of fact, clearly demonstrates the cavaliers were mistaken in their measures and politics, when

when they postponed the more material affairs, and trifled away the beginning of the parliament on some acts that related to trade, and other matters of no great importance; for, had they immediately called for the queen's letter, (which, and likewise the commissioner and chancellor's speeches, chiefly insisted on the necessity and advantage of treating with *England*;) in order to return an answer to it, the treaty would have naturally fallen under consideration; and then the Duke of *Queensberry's* friends and party not being gone off from them, they might easily have either rejected it altogether, or at least framed and clogged it as they pleased, and chosen such members as they had a mind to be commissioners, for meeting and treating with the commissioners from *England*. Besides, I have always observed, if any thing for the country's interest was to be attempted in a *Scots* parliament, it must be in the beginning of the session; for in a little time the zeal and fervour of the members goes off, they become weary with attendance, and steal home to their country houses. And lastly, the court, who had the purse and the power, were still gaming upon the country, who has no arguments or persuasives to induce members to stand firm, and attend, besides those of generosity

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nerosity and honour, which, though indeed the strongest of all motives, have not the like effect with all men.

The Parliament's proceedings on the trade of the nation.

It is to no purpose to spend so much time, as to narrate the particulars of what passed whilst the parliament had the state of the nation, in relation to its trade, under consideration; it is sufficient to say, that several good acts were presented for that purpose; some of which passed, and others were rejected in the House; and that the court, according to their laudable custom, opposed them all.

A council of trade created.

It is fit however particularly to mention, that a council of trade was appointed, with power to put the laws in relation to trade, in execution; and it was recommended to them, to bring the export and import of the nation to a balance, and lay the same before the house next sessions: this indeed was very necessary; for the merchants met with no encouragement, and trade was carried on without any regard to the methods prescribed by law, and the interest of the nation. There were likewise several proposals made for supplying the national money by a proper credit, particularly one offered by Dr. *Hugh Chamberlain*, and another by *John Law*.—

Proposals for a proper credit.

The first had, with the projects in *England*, broke, and spent so great a part

part of his own money, that he was necessitated to fly out of that kingdom. The other was the son of a *goldsmith* in *Edinburgh*, who, being left a small estate, which he had several years ago spent, had ever since lived by gaming and sharpening; and being a cunning fellow, and nicely expert in all manner of debaucheries, found a way quickly to get into my Lord Duke of *Argyle's* favour; and in confidence of his, and the *squadron* (with whom he was very intimate) their assistance, he presented a very plausible scheme: All the court and *squadron* (except some that were monied men) espoused the same; because it was so found, that, in process of time, it brought all the estates of the kingdom to depend on the government: But the house rejected the motion, and passed a resolve, that the establishing any kind of proper credit, so as to oblige it to pass, was an improper expedient for this nation.

Rejected.

This being over, let us now come to the more momentous proceedings of the parliament. A resolve against the succession.

About twenty days after the parliament met, the cavaliers thought it proper, come of other things what will, to prevent the succession's being established; for the court's chief design was to procure an act for a treaty with *England*;

land; yet they designed to pass a few inconsiderable limitations, that in case they were disappointed in their designs concerning the act of treaty, they might reassume the affair of the succession, according to the old proverb; *catch geese if they cannot goslings*. The cavaliers, I say, to prevent this after-game, had recourse to the measure they took last sessions, by proposing the same resolve, *viz.*

“Resolved, That the parliament will
 “not proceed to the nomination of a
 “successor, till we have had a previous
 “treaty with *England*, in relation to
 “our commerce, and other concerns
 “with that nation. And further re-
 “solved, that this parliament will pro-
 “ceed to make such limitations and con-
 “ditions of government, for the rectifi-
 “cation of our constitution, as may se-
 “cure the liberty, religion, and inde-
 “pendency of the kingdom, before they
 “proceed to the said nomination.” The
 court and *squadron* both united against
 this resolve, although it advanced their
 respective projects, *viz.* the treaty and
 limitations; for the *squadron* were no
 ways now inclined for the union; and
 both favoured and promoted the limita-
 tions, only in so far as they might serve
 to advance the succession. However,
 the cavaliers insisted vigorously upon it,
 and by the assistance of the Duke of
Queensberry's

Approved.

Queensberry's friends, carried it by a great majority.

It was odd that the M. of *Montrose* could be so far seduced, as not only to vote, but even reason with heat and passion against this resolve; but why should I say it was odd? What could be expected from him, who had ratified the *presbyterian* government and revolution in the first session, and in the last went every length with *Johnston* the register, who was the son of the chief persecutor of his glorious great-grand-father, and himself head of the *Hamilton*, republican, whiggish faction in *Scotland*; and lastly, had several times of late received the sacrament from the *presbyterian* ministers, which, in honest mens opinions, inferred necessarily his owning the validity of their excommunication of his great-grand-father; for, if they had a power of administering sacraments, it must likewise be allowed, that they had a power of excommunication.

Reflections
on the M. of
Montrose's
conduct.

When he first appeared in the world, he had enough to recommend him to the love and affection of the nation, by being the representative of that noble, loyal, and worthy family: And his interest increased to so great a degree, by his good behaviour, after he came from his travels, and in the first sessions of this parliament, that, had he continued in these

His character.

measures, he had the fairest game to play of any young man that ever was in *Scotland*; since undoubtedly he would have been acknowledged and followed as the head and leader of the cavaliers. But being of any easy, mean-spirited temper, governed by his mother and her relations, the family of *Rothses*, and extremely covetous, he could not resist the first temptation the court threw in his way; and from the time he first engaged with them, he adhered closely to their interest, and with the greatest vehemency, prosecuted their measures, notwithstanding all the friends of his father's family remonstrated to him against it, and that he lost the esteem and favour of them and the cavaliers. He was a man of good understanding; yet was led by the nose by a set of men whom he far surpassed: And never, in all his by-past life, did one material action that was prudent and discreet. His courage, upon some certain accounts, was much questioned; but his unsincerity and falseness allowed by all.

But to return to the parliament: That day this resolve past; on this occasion the inclinations of the people were seen by their mirth and rejoicings. On the 20th of July, the Marquis of *Tweeddale* presented a draught of a letter, in answer to the queen's, which was read
next

federunt; but a motion being made, that the house should, preferable to the said letter, take the acts in relation to trade under consideration, it was agreed to. It was unaccountable in the *squadrone* to be promoters of such a piece of strange stuff, and to expose their party, by pushing what they knew was not agreeable to the house; and that it was certain the court would join with the cavaliers, in opposing every motion that came from them. Their design was to shew, that though the resolve against the succession had passed in the house, it was none of their fault; and that they had still no other view, but to obtain the same. The letter containing little, save intimations of their readiness to establish the same successor with *England*, begging her majesty would grant them such limitations on her successors, as were necessary for that purpose. And lastly, assuring her majesty, that if this were once done, they would cheerfully set about the work.

This being over, the cavaliers inclined to proceed upon the limitations, proposing thereby to obstruct the succession's being established, in case the projected treaty should fail; for they knew the court would not grant them the royal assent; and that the succession would be rejected.

The cavaliers
promote the
limitations,
and why.

rejected. Next, to make the best they could of an ill bargain, by clogging the monarch, in case the house of *Hanover* should come to the crown. And lastly, to ingratiate themselves with the people, who groaned exceedingly [under the oppression of *England*; and were extremely fond of every thing that seemed to free them of it: And a motion being made, to grant a first reading to an act, and commission for a treaty with *England*, the Duke of *Hamilton*, in opposition thereto, moved, that the house would proceed to the enacting of limitations; and a vote being stated in these terms: "Proceed to consider the act for a treaty, or limitations;" the latter carried: And in the subsequent *sederunts* of parliament, several acts for that purpose were presented, (in which the *squadrons* joined against the court) the most considerable of which are as follows: Act for regulating the chusing the officers of state, enacting, that from and after her majesty's decease, without heirs of her body, all officers of state, and privy counsellors, and lords of session, should be chosen and appointed by the parliament; and in case of the decease of any of them, during the vacancy of parliament, the office to be supplied by one nominated by the council, who should continue in the same till next session of

Act for chusing the officers of state.

of parliament: And that all the said officers of state and privy counsellors should be accountable to the parliament. The court offered a clause, giving the power of chusing officers of state, &c. (which, by this act, was solely lodged in the parliament) to the king, with consent of parliament, which was carried by a vote. But a motion, that there should be three presidents of the session, to preside *per vices* each two months, was rejected; and then the whole act was approved. Then an act for a triennial parliament was offered in these terms: "Our sovereign lady be-

Approved.
An act for a
triennial par-
liament.

"ing willing to restore to her ancient
"kingdom, their ancient custom and
"right to frequency of parliaments,
"does therefore, with the advice and
"consent of parliament, statute and or-
"dain, that there shall be a new parlia-
"ment called and indicted to meet, sit,
"and act; and that once every third
"year, after the first of August, in the
"year

And her majesty does
"hereby declare, with consent aforesaid,
"that this present parliament shall not
"continue and endure any longer than
"the first of August aforesaid: And
"this without prejudice of her majesty
"and successors royal prerogative and
"power to dissolve parliaments sooner
"than

“ than the said term of three years, as
 “ shall be thought fit. And further,
 “ with the advice aforesaid, statutes
 “ and ordains, That from and after the
 “ first day of August aforesaid, no far-
 “ mer or collector of her majesty’s cus-
 “ toms or excise, or any other branch of
 “ her revenue, shall be capable to be a
 “ member of parliament; nor to sit and
 “ vote therein, after the date aforesaid:
 “ And it shall be a sufficient objection
 “ against any member, that he is con-
 “ cerned, directly or indirectly, as a
 “ farmer or collector, in any part of
 “ her majesty’s revenue, to remove him
 “ from his place and vote in parlia-
 “ ment.” The court saw it was to no
 purpose to oppose this act; therefore
 (being deadly afraid of a new parlia-
 ment) they only proposed, that this
 act should not take place during her
 majesty’s life. The cavaliers proposed
 it should commence immediately; but
 many members, who were afraid of
 their own interest to be elected a-new,
 proposed a medium betwixt the two,
viz. That it should take place three
 years after the date, that is, the first of
 August 1708, with which the court,
 as being the least of two evils, joined
 and carried it; and then the whole Act
 was approved. Next, an act appoint-
 ing, that *Scots* ambassadors, represent-
 ing

Approved.
 Act appoint-
Scots ambaf-
 sadors.

ing *Scotland*, should be present when the sovereign had occasion for treaties abroad with foreign princes and states, and accountable to the parliament of *Scotland*, was approved. Several other overtures were made, that came not the length of being ingrossed into acts: And though the house did approve the above-mentioned acts, none of them obtained the royal assent, though the court promised it often to many of the members; and thereby wheedled over several to follow the court, in framing the act of treaty; they thinking themselves in a tolerable good state, by these acts of limitations, and never imagining the treaty would terminate as it did. But Mr. *Fletcher* of *Salton* having, in a long discourse, set forth the deplorable state to which this nation was reduced, by being subjected to *English* councils and measures, while one and the same person was king of both kingdoms, did conclude, * these above-mentioned acts of limitation were not sufficient; and therefore presented a scheme of limitations, which he proposed should be ingrossed into an act, and taken under the house's consideration: And though they did not pass in the house, yet it will not be amiss to set them down here.

But got not
the royal as-
sent.

I. That

*Fletcher of
Salton's
scheme of li-
mitations.*

I. That elections shall be made at every *Michaelmas* head court, for a new parliament every year, to sit the *first* of *November* next following, and adjourn themselves from time to time till next *Michaelmas*: that they chuse their own president; and that every thing be determined by balloting, in place of voting.

II. That so many lesser barons shall be added to the parliament, as there have been noblemen created, since the last augmentation of the number of the barons: and that in all time coming, for every nobleman that shall be created, there shall be a baron added to the parliament.

III. That no man have a vote in parliament but a nobleman, or elected member.

IV. That the king shall give the royal assent to all laws offered by the estates; and that the president of the parliament be impowered by his majesty to give the royal assent in his absence, and have ten pounds sterling a day of salary.

V. That a committee of 31 members, of which 9 to be a quorum, chosen out of their own number, by every parliament under the king, have the administration of the government, be his

his council, and accountable to the parliament, with power, on extraordinary occasions, to call the parliament together; and that, in the said council, all things be determined by balloting, instead of voting.

VI. That the king, without consent of the parliament, shall not have the power of making peace and war, or that of concluding any treaty with any other state or potentate.

VII. That all places and offices both civil and military, and all pensions formerly conferred by our kings, shall ever after be given by parliament.

VIII. That no regiment, or company of horse, foot, or dragoons, be kept on foot, in peace or war, but by consent of parliament.

IX. That all the fencible men in the nation, betwixt 60 and 16, be armed with bayonets and firelocks, all of a calcever; and continue always provided in such arms, with ammunition suitable.

X. That no general indemnity or pardon for any transgression, shall be valid, without consent of parliament.

XI. That the 15 senators of the college of justice, shall be incapable of being members of parliament, or of any other office, or any pension; but the salary that belongs to their place, to be in-

increased as the parliament shall think fit: that the office of president shall be in three of their number; to be named by the parliament; and that there be no extraordinary lords: as also, that the lords of the Justice court shall be distinct from those of the session, and under the same restrictions.

XII. That if any king break in upon any of these conditions of government, he shall, by the estates, be declared to have forfeited the crown.

Then he at large insisted on every particular article, demonstrating, that the first *eight* were necessary to prevent *English* influence over our affairs, by rectifying our constitution; and the *ninth*, to enable the the nation to defend its rights and liberties; the *tenth*, to terrify the ministers of state, from presuming to give the king bad advice, and doing things contrary to law. And here I must mention, that the Earl of *Stairs* having spoke against this scheme, Mr. *Fletcher*, in answer thereto, when he came to justify this article, said, it was no wonder his lordship was against it; for, had there been such an act, his lordship had long before now been hanged, for the advices he gave King *James*, the murder of *Glenco*, and his conduct since the revolution. The *eleventh*,

eleventh, he said, was necessary to preserve the judicatures from corrupt judges; and added, if the *twelfth* be not approved, sure I am, this house must own, they treated the last King *James* most barbarously and unjustly.

Another material point under the consideration of this session, was the plot. The preceding session had addressed the Queen to transmit, against the next sessions, such persons as were evidences in, and such papers as related to, that affair. In the beginning of this session, the Dukes of *Hamilton* and *Athole*, were very desirous to prosecute it to the greatest height: but the cavaliers were not so forward; because, first, they were under a kind of engagement, as above narrated to the Earl of *March* and Sir *James Murray* of *Philiphaugh*, that if the Duke of *Queensberry*'s friends did oppose the Marquis of *Tweeddale*, and his party, in the former sessions, not to insist on that affair: besides it would irritate them to so great a degree, that many of them would not concur in opposing the designed act for a treaty; and this would ruin all. Next, they were afraid they might well shew their teeth, but could not bite; the edge of many people's indignation against it being blunted by its lying so long dormant. Had it indeed been entered upon

The parliament's proceedings in relation to the plot.

on while the horror of it was fresh in their minds, and whilst the Duke of *Queensberry* and the other conspirators, were in disgrace, and had not the government in their hands, there were many would have pushed it violently enough; but the case was altered, and, as matters stood then, they were afraid they should be baffled in the attempt. But after the Duke of *Queensberry* came down, and seduced all such of his friends as had, in the last, and beginning of this session, stood for the country, the cavaliers did not so much oppose the two dukes desire, of prosecuting the plotters; but were resolved to stand as it were neutral, till they saw if they and the *Squadron* could prove any thing against the contrivers of it. It being therefore moved, that the house might know what answer the queen had given to the above-mentioned address from the last session; my lord commissioner acquainted the house, he had received some of the papers that were before the *English* house of lords, which he had put in my Lord secretary *Loudon's* hands, and expected the rest in a little time: but when the house went upon the consideration of these papers, they were found to be no more than copies; for none of the principal papers, nor the persons that were evidences, and remained

mained in *London*; such as Sir *John M'Lean*, Mr. *Keith*, and others, were sent to *Scotland*, and those who lived in *Scotland*, such as *Campbell* of and Captain *M'Lean*, were sent out of the way; by which it was plain, the queen, and her ministry, did not design a fair and full trial; since the parliament could not proceed, unless the persons that were evidences, and the original papers, were at their command, whereupon to have founded their allegations, and proved the same. However the Dukes of *Hamilton* and *Athole*, the Lord *Belhaven*, baily of *Jerviswood*, and some others, made discourses in the parliament: wherein they vindicated themselves, and asserted, that the accusation against them, in the discovery of the said pretended plot was false and calumnious. But the Duke of *Athole*, particularly in a long discourse, very handsomely narrated the beginning, progress, and conclusion of the whole affair; did illustrate the design of it; whence it had its rise, and who were the promoters of it: accused the Duke of *Queensberry* of endeavouring to give the queen bad impressions of her good subjects; producing copies of letters from him to her, affirming the whole cavaliers were concerned in the plot, or at least enemies to her; and that
 he

he had, the better to carry on his design, employed and held correspondence with, and furnished passports and money to *Frazer*, and insisted upon many other particulars, which rendered the affair, and promoters of it, most odious: and though his grace did several times term the design (of which he asserted the Duke of *Queensberry* by name and surname, and several others, to be the authors and abettors) villainous dishonourable, false, and scandalous, and not to be tolerated in a well-governed kingdom: yet the Duke of *Queensberry*, and his accomplices, made no answer, suffering all these and the like reproachful epithets, being conscious of their own guilt, and glad to escape at so easy a rate: and this was all that was done in expiscating that villainous design, in which the lives and fortunes of many of the chief families of the kingdom were levelled at.

Act for a
treaty.

Now we come to narrate what was done in relation to the act of treaty: the Earl of *Marr*, in the beginning of this session, had presented the draught of an act, for appointing commissioners to treat with the commissioners from *England*, upon an union of the two kingdoms of *Scotland* and *England*, which lay upon the table till most of the overtures, in relation to trade, and the
limi-

limitations were discussed ; but these being now over, was reassumed. Both it and the *English* act were much of the same nature, both empowering commissioners to meet and treat with one another of an union of the two kingdoms, and restricting them from treating of any alterations of the church-government and discipline, as established by law in the respective realms ; only, as I said before, the *English* act gave the nomination of their commissioners to the Queen, and even required the same of the *Scots*, without which they discharged their commissioners to meet and treat. But the draught presented by the Earl of *Marr*, left the power of the nomination blank ; and we shall see afterwards how that affair was managed ; Mr. *Fletcher* of *Salton*, in a pathetical discourse, represented the scurrilous and haughty procedure of the *English* in this affair ; and exhorted them to resent this treatment, as became *Scotchmen*, by throwing the motion of a treaty, until it were proposed in more civil and equal terms, out of the house with indignation. But the house, rejecting the motion, called for the draught, and the *English* act ; and both were read. The cavaliers and country parties observing that there was a great inclination in the house to set a treaty on foot, thought

M

it

A clause against an incorporating union.

it improper to oppose it any longer in general terms ; and therefore resolved to endeavour to clog the commission with such restrictions and provisions, as should retard the treaty's taking effect : And for that end, the Duke of *Hamilton* presented a clause to be added to the act, in these terms : *viz.* “ That the union to be
 “ treated on, should no ways derogate
 “ from any fundamental laws, ancient
 “ privileges, offices, rights, liberties,
 “ and dignities of this nation.” This the court vigorously opposed, seeing it excluded them from treating on an entire or incorporating union ; of which the abolishing of our parliaments, and subversion of our constitution, was a necessary consequence. And it was this kind of union *England* designed and desired ; because it rivetted the *Scots* in perpetual slavery, depriving them of any legal method to redress themselves of the injuries they might receive from them, by keeping them poor, and under their chains. On the other hand, the Duke of *Queensberry*, Earl of *Stairs*, and all that were thoroughly on a revolution foot, were inclined the same way ; because they were conscious of their own guilt, and afraid, some time or other, a *Scots* parliament (if reserved even under a federal union) might

might take them to task, and punish them as they deserved : Whereas if it were out of their power, and the *Scots* representation stifled and suppressed by the much greater majority of the *English* representation in one and the same parliament, they expected to be protected against the just resentments of an injured and exasperated nation. For these, and such reasons, I say, the court opposed this clause ; Debate there-
upon.

and the arguments they adduced for rejecting it, were to this purpose : That since *Scotland* and *England* were under the same sovereign, who did here mediate betwixt her two kingdoms ; and that *England* had given ample powers to their commissioners, it would be unbecoming in *Scotland* to restrict their commissioners, and inferred a jealousy of her majesty : That it might occasion a stop to the treaty ; since it was to be believed, that *England* would expect our commissioners should meet and confer with as full powers as theirs : And lastly, there could be no hazard in not restricting our commissioners ; since it was expressly provided, that no matter or point treated of, and agreed to, should take place, and be of force, unless it be first reported to, and obtain the approbation of the parliaments of both kingdoms : That when this report was made, then was the pro-

per time to consider, whether they would agree to that scheme of union, which the commissioners had projected, or reject it. To this it was answered, that *Scotland* and *England's* being under one sovereign, was the reason why this clause was necessary; since woful experience taught us, and it had been often complained of in this house, that our sovereign was under *English* influence, and subject to the councils of her *English* ministers, who regarded the interest and honour of *Scotland* no farther than was consistent with that of *England*: That the adding of this clause, could never infer the least mistrust of the Queen's inclinations towards her ancient kingdom; since all that could be made of it was, that the *Scots* parliament being sensible, that the Queen was not in a capacity to know the interest and circumstances of *Scotland*, so well as that of *England*, had taken care to prevent any inconveniencies that might arise from thence: That there were some things so sacred, that the least innovation or alteration, far less abrogating, or suspending of them, was never to be tampered with, or the subject of any treaty: And the particulars of this clause; such as, the sovereignty, independency, and freedom of the nation, being

being of this nature, ought to be added: That *England* could not take it amiss, seeing they themselves had, before they advised with us, restricted their own commissioners from treating on any alteration of the church-government of that kingdom. But whether that had been, or not, we were a free, independent people; and had a power to give what instructions, powers, and restrictions we pleased to our commissioners; neither was it to be imagined, that *England*, upon the account of this clause, would refuse to treat; because the very same clause, in the same express words, was inserted in the act of treaty, in the reign of King *James VI.* and to the same purpose in most of the subsequent acts of treaty; and yet neither that King, (who would have had good reason to be offended at any disrespect or distrust shown toward him, who was known by the *Scots*, acquainted with their humours and constitutions, and had given signal proofs of his affection to his native country and subjects) nor his successors, nor the parliament of *England*, made any scruple upon that account, to meet and treat with the commissioners of *Scotland*. These, and many other arguments, were adduced for and against this clause; and
the

Rejected.

Reflections
thereupon.

And the Earl
of *Aberdeen's*
behaviour.

the question being put, add the clause or not, it was carried in the negative by plurality of two voices. And here I must observe, and lament the woful fate of this nation; for though it was well known, that the house was to be that day upon this grand affair, and the court had mustered together every individual of their party; yet seven or eight of the cavalier and country parties were absent, and thereby lost this clause; which, had it passed, would have proved a mortal stroke to the court; they being resolved to have laid aside the treaty of union, and adjourned the parliament; by which means the nation had been free of that fatal Thralldom, to which it is since subjected. Nor must I omit, that the Earl of *Aberdeen* turned tail to the cavaliers, in this important affair: It is not easy for me to determine the cause; but it is matter of fact, that his lordship did not behave, on many occasions during this session, as might have been expected from one of his principles and circumstances; and (though this is not the proper place) could not be persuaded to be present at, and assisting against, the union in the next sessions; nay, the cavaliers at last being informed of his inclinations towards it, were glad to compound with him to stay away.

This

This being over, another clause was presented in these terms: "Providing always, that the said commissioners shall not go forth of this kingdom, to enter into any treaty with those to be appointed for *England*, until there be an act passed by the parliament of *England*, rescinding that clause in the *English* act, by which it is enacted, that the subjects of *Scotland* shall be adjudged and taken as aliens, after the 25th of *December*, 1705." The cavaliers enlarged upon this clause, as necessary to vindicate the honour of the nation, from the injustice of the *English* in that act; believing, if it were added, the *English* would not comply with it, and so the treaty come to nothing: And the courtiers, upon the same grounds, opposed it; but observing it took with the house, they did not presume to do it openly, but by a consequential motion to this purpose: That the clause should be approved, though not, as was proposed, be engrossed into the body of the act for a treaty; but a resolve of the house pass, that, after the aforesaid act is finished, the house will immediately proceed to consider, whether the clause should be by a particular act, or by an order of the house; and the question being stated: "Add the clause to the act, or by a separate

A clause presented, prohibiting the commissioners from treating, until the *English* repealed the late alienation act.

Which they
carry.

The use they
proposed to
make of it.

“ parate way ; the latter branch carried
“ it.” And now the court thought
themselves secure of having a treaty ; for,
if the clause was turned into an act at the
close of the session, (when they had no
more to require of the parliament at this
time) they might grant the royal assent to
the act of treaty, or refuse it to this, as
they should be directed from *England* :
And in case the clause was turned into
an order of the house, then they might
dissolve the parliament, (their lawyers as-
suring them, that no orders of a parlia-
ment were valid, and in force, after its
dissolution) by which means the act, im-
powering commissioners to treat, remain-
ed, and the order ceased, and so the trea-
ty might go on. Whether the parlia-
ment of *England* did, or did not, repeal
the act, which was so unjust in relation
to *Scotland* ; and notwithstanding the par-
liament of *Scotland* did so expressly re-
quire it : But before the vote was stated
upon the act for a treaty, the Duke of
Athole entered his protestation in these
terms : “ In regard that by an *English*
“ act of parliament, made in the last ses-
“ sions thereof, entituled, an act for
“ the effectual securing *England* from
“ the dangers that may arise from seve-
“ ral acts past lately in *Scotland* ; the
“ subjects of this kingdom are adjudged
“ aliens,

“ aliens, born out of the allegiance of the
 “ Queen, as Queen of *England*, after the
 “ 25th of *December*, 1705. I do there-
 “ fore protest for myself, and in the name
 “ and behalf of all such as shall adhere
 “ to this my protestation, that, for sav-
 “ ing the honour and interest of her ma-
 “ jesty, as Queen of this kingdom, and
 “ maintaining and preserving the un-
 “ doubted rights and privileges of her
 “ subjects, no act for a treaty with *Eng-
 “ land* ought to pass in this house, unless
 “ a clause be adjected thereto, prohibit-
 “ ing and discharging the commissioners
 “ that may be nominated and appointed
 “ for carrying on the said treaty, to de-
 “ part the kingdom in order thereto, un-
 “ til the said act be repealed and rescind-
 “ ed in the parliament of *England*.” To
 which, most of the cavalier and country
 parties, and all the *squadrons*, (these last,
 as I observed before, being inclined to
 go along with every motion that they
 thought would obstruct the treaty’s tak-
 ing effect at that time) did adhere, mak-
 ing in all 24 peers, 37 barons, and 18
 boroughs.

While the rolls were calling upon this
 vote, (it being by this time late, and
 having been a long *federunt*) many of the
 members, after they had given their
 votes, went out of the house, expecting
 the

A motion
 made by the
 Duke of *Ha-
 milton*, to
 leave the no-
 mination of
 the commisi-
 oners to the
 queen.

the parliament would not have proceeded to any more business that night ; when, instantly after the last name in the roll was called, the Duke of *Hamilton*, addressing himself to the chancellor, moved, that the nomination of the commissioners, for the treaty should be left wholly to the Queen.

Debate there-
upon.

This, you may be sure, was very surprising to the cavaliers, and country party ; it was what they did not expect should have been moved that night, and never at any time from his grace, who had, from the beginning of the parliament to this day, roared and exclaimed against it on all occasions ; and about 12 or 15 of them ran out of the house in rage and despair, saying aloud, it was to no purpose to stay any longer, since the Duke of *Hamilton* had deserted, and so basely betrayed them. However, those that remained, opposed it with all their might ; and a hot debate arose upon it, wherein the cavaliers used the very arguments that the Duke of *Hamilton* had often insisted on, upon this and the like occasions. What ! leave the nomination to the Queen ! No ; She is, in a manner, a prisoner in *England* ; and the estates of *Scotland* had taught us our duty, in a case nearly related to this, during the captivity of King *James I.* Our Queen knew
none

none of us, but as introduced by her *English* ministry, and recommended by our inclinations to serve that kingdom. Our Queen never had an opportunity to know the true interest of our country; and though she did, yet, as she was circumstantiated, could not shew her regard for it; and who then so proper to nominate *Scots* commissioners to treat on *Scots* affairs, as a *Scots* parliament? The court and the Duke of *Hamilton*, (though he well enough saw these, and many other speeches and motions; such as, that no person that had any estate in *England* should be of the number of the commissioners, were levelled at him) made few or no answers to the arguments against the motion; but insisting, that the sense of the house might be known upon it, a vote was stated at last in these terms: "Leave the nomination of the commissioners to the Queen, or to the parliament:" And the former, by the unfortunate and unseasonable absence of these abovementioned 12 or 15 members, did carry by a plurality of 8 voices; of which Carried. his grace the Duke of *Hamilton* had the honour to be one. Immediately after this was over, the whole act, empowering commissioners to meet and treat with *England*, was voted, and approved. The Duke

The act for a treaty voted.

Approved. Duke of *Athole* having protested against it, in respect of the reasons contained in his former protestation, and being adhered to by 21 noblemen, 33 barons, and 18 burrows.

Reflections upon this act. From this day may we date the commencement of *Scotland's* ruin; and any person that will be at the pains to reflect upon the management of this affair, must be the more enraged, when he sees how easily it might have been, and yet was not prevented; for, if the first restricting clause (which was lost by the unaccountable neglect of some members) had been carried, we should not have had one word more of the treaty; or had the nomination been left to the parliament, (which was lost by the unreasonable humours of such members as left the house in a hurry) those of the commissioners that represented the barons would have been so well chosen, that they might easily have obstructed the treaty's being brought to such a conclusion as afterwards happened. For I may affirm, (it consisting with my certain knowledge (that the *English*, knowing the backwardness of the *Scots* nation to enter into an incorporating union, would, if there had been but two or three members in the *Scots* commission that
op-

opposed it, been so far from pushing it as they did, that the treaty would have been advanced no further than those others that had been set on foot formerly.

But to consider the Duke of *Hamilton's* part in this affair a little more particularly: it is true, some reports had been whispered about, from the beginning of the parliament, that his grace's behaviour in this point would prove as it did, and many were uneasy at the great familiarity that appeared betwixt him and the Earl of *Marr*; but yet all were unwilling to believe any thing that was amiss of one, who had stood so firm, and done such service to his country, especially in this point, whereupon he had so frequently, nay, not many days before it fell out, expressed and declared his opinion and resolution. But the following particular will make his conduct the more unaccountable: that very morning on which this affair was concluded, about 40 or 50 of the cavaliers being met together, had under consideration, whether it would be most proper to chuse the commissioners in a full house; or that every estate should separate and chuse such as should represent themselves: and inclined to prefer the last; because they were sure to carry what barons they pleased, but might run the hazard of

And Duke
Hamilton's
behaviour.

of losing all the other way; yet such was their confidence in, and deference to, the duke, that before they would determine themselves positively in it, they dispatched the Earl of *Strathmore*, *George Lockhart* of *Carnwath*, and *George Home* of *Whitfield*, to acquaint his grace of what had passed amongst them, and desire his opinion: but his grace being abroad when they came to wait upon him, the message was not communicated to him till just as the parliament sat down. Mr. *Lockhart* meeting him accidentally in the outer house, delivered his commission; to which he gave this answer: tell these gentlemen, it will be time enough for us to consider on that affair; for it shall not be in this day. I never yet could hear of any reasonable excuse he made for this his behaviour. It is true indeed, he endeavoured to vindicate himself, by alleging, that after the parliament had rejected the several clauses that were proposed to be added to the act, thought it to no purpose to strive any longer; for since the court would have had a majority, to give the nomination to the queen, he might be allowed to give her the compliment. And next, that he thought it better; because if the commissioners that were named by the queen, did what was not approved of

in

in the subsequent parliament, we might better and more severely take them to task, than if we had named them ourselves: but, with his grace's permission, this will not stand the test: for, to consider the last part of the argument first, it cannot be admitted, that the leaving the nomination to the queen, was preferable to the parliament's having it; because it was obvious and plain, that if the queen had the nomination, she would take care to pitch upon such as would be very pliable, and do what was desired of them; and since it was as plain, that there was too great an inclination in the house to have a treaty, and accept of an union, there was the greater need to have some well-chosen persons upon it, that would be an awband over others; and represent matters fairly and fully, both at the treaty, and in the subsequent parliament: and next, his grace had no reason to imagine, that the court was able to carry it to the queen. For he knew that the absence of some of the cavaliers was the only reason of losing the restricting clause; and that there were several others that voted all along with the court formerly, would have left them upon this occasion; and consequently those members I spoke of, not deserted the

the house, the cavaliers instead of the court, had carried the vote by eight voices: and then he might have been sure of having had all the barons, such as were his friends, and would have been faithful and useful to the country. But I am afraid the true matter was, his grace had a true mind to be one of the treaty himself, and, foreseeing he would not be named by the parliament, he resolved to rely upon the commissioners, and the Earl of *Marr's* promise, of his being named by the queen: and therefore (whether by capitulation with these noble lords, or merely a thought of his own, the better to recommend him to the queen on this occasion, I shall not determine) took upon him to make the motion, that it might appear he had indeed made the compliment, and been the promoter and advancer of leaving the nomination to the queen: and to confirm what I advance, let us remember, that we never heard of any other reason for the Duke of *Argyle's* not being named upon the treaty, than his having represented to the queen, that he had engaged upon his honour to bring the Duke of *Hamilton* to be upon the treaty; or else, that he would not be concerned in it himself: and the queen refusing to name the Duke of *Hamilton*

as he had promised, he resented it so far, that he would not suffer himself to be named; and even threatened, at that time, to oppose the union upon that account, though ways and means were fallen upon afterwards, to induce him to alter his mind. But to return back to his grace's defences: let us suppose them to be good; yet I would fain ask, whence he got that new light, and that so suddenly? And why did he not communicate the same to his friends, that, if they had been of the same mind, all might have gone on that way, and the compliment to the queen been the greater: little did he consider, their differing this time encouraged the court, and occasioned a thousand false reports, which did a great deal of harm; and, which was worst of all, was the foundation of that jealousy, that, in some measure, contributed much to the bad success that attended the country's affairs afterwards. I have dwelt the longer upon this subject; because, as I said before, this fatal act was the first successful step towards Scotland's chains; and all I shall add concerning it, is an old *Scotch* proverb, *that sitting betwixt two chairs, often occasions a fall*; which was the Duke of Hamilton's case at this time.

N

It

Proceedings
of parliament.

Order of the
house annex
the commenc
ing of the
treaty.

The parlia-
ment ad-
journd.

The earl of
Marr made
secretary, and
Marquis of
Annandale
turned out,

It is now high time to return to the parliament : in consequence of a preceding vote, an address was approved to the queen, craving she would use her endeavours with the parliament of *England*, to rescind the alienation-clause in their late act. Then an act being presented, prohibiting the treaters to enter upon the treaty, until the alienating clause in the *English* act was rescinded : a motion, that the parliament should proceed to it, by an order of the house, and not by way of act, was put in opposition to it by the court, and approved ; then the order was unanimously agreed to in these words : “ that the commissioners to “ be named by her majesty, should “ not commence the treaty of union, “ until the clause in the *English* act, “ declaring the subjects of *Scotland* “ aliens, be repealed.” After this the parliament continued to sit some few days upon private business, and was at last, on the 21st day of *September*, adjourned.

Immediately thereafter the Earl of *Marr* was made secretary of state, in the room of the Marquis of *Annandale*, who had enjoyed that office only during

ing the time of the parliament; and was turned out, because it was thought he held a private correspondence with the *Squadron*, being rather inclined to favour the succession without, than with an union; and would not follow the Duke of *Queensberry* and his partizans dictates further than he pleased.

He was a man framed and cut out His character. for business, extremely capable, and extremely assiduous; of a proud, aspiring temper, and, when his affairs and politics went right, haughty to a great degree; and, *vice versa*, the civillest, complaisantest man alive, and a great affecter of popularity; he had gone backwards and forwards so often, and been guilty of such mean, ungentlemanny compliances, to procure the favour of that party with which he designed to engage; that no man whatever placed any trust in him; even those of the revolution party only employed him as the *Indians* worship the devil, out of fear; and as soon as they found themselves strong enough without him, they kicked him out of doors; and though honest men welcomed a guest so capable to serve them, and willing to do their, and now his,

adversaries all the prejudice he could; yet they were secretly glad to see one that had been so severe to them, humbled: as it was plain his being turned out of the secretary's office, was the cause that induced him to oppose the union; so, upon that account, he was much caressed, but little trusted by the cavaliers.

During the short interval betwixt the *Scots* and *English* parliaments, let us give a particular account of two or three worthy *Scots* patriots, that have shewn great zeal for their country's service, and made a great appearance in it; and these are the Earl of *Errol*, Earl *Marshal*, and the Lord *Balmerino*.

Earl of *Errol*'s
character.

Charles Earl of *Errol*, begun his life with general applause, and by a constant tract of honesty and integrity, gained the esteem of all men: he did not make a great outward appearance at the first view; yet was a man of good understanding, of great honour and loyalty, well-tempered, courteous and affable, and deservedly much trusted by all that wished well to the royal family. His own family was always loyal, and had so great a concern

a concern in the welfare and prosperity of the kingdom, (being these many years heretable constable of *Scotland*) that it was natural to expect he would prove a faithful subject, and a good countryman.

Earl Marshal of *Scotland* was master of a quick and lively spirit, a great vivacity of wit, an undaunted courage, and, in short, of a soul capable of doing great things: but his misfortune was, he could not seriously, at least for any tract of time, apply himself to business, being loose and irregular in his measures, and too bent upon his pleasures. However, being a man of honour and capacity, he was always faithful to his prince and country, did them both great service, and merited much from them.

Lord *Balmerino* did not take the oaths, and comply with the government after the revolution, till the year 1704, that he was persuaded to it, merely to give his assistance to prevent the court's designs, of settling the succession of the crown on the family of *Hanover*; he was a man of excellent parts; improved by great reading; being

Earl Marshal's character.

Lord Balmerino's character.

ing perhaps one of the best lawyers in the kingdom, and very expert in the knowledge of the *Scots* constitution; he reasoned much and pertinently in parliament; and testifying, on all occasions, an unshaken loyalty to his prince, and zealous affection to his country, he gained the love and esteem of all good men.

Proceedings
of the Eng-
lish parlia-
ment.

But let us turn our thoughts to the parliament of *England*, (which met the 28th of *October*) all men were anxious to know, whether or not that house would repeal the clause in their act complained of by the *Scots*, upon the doing whereof the commencement of the designed treaty depended. This happened to be the first session of that parliament, and the court was afraid to propose this affair, till once they knew, a little of the temper of the members, of which this new house consisted; for which reason it was not moved till about the latter end of this year. But by that time, it was evident enough by their proceedings, that the court and *Whiggs* now conjoined together, had a vast plurality of voices, and so Mr. secretary *Harley* moved that the clause of the act, passed

last session, declaring the *Scots* to be aliens after the 25th of *December*, should be repealed. To which Mr. *Bromley*, and several others of the *tories*, returned answer to this effect; that they had remonstrated against this act last session; because they thought it a piece of unnecessary and unwarrantable injustice done to the *Scots*, and an irregular procedure towards persuading them to meet, and treat in a friendly manner, and with a disposition of agreement: but since the house was then of a different opinion, they were obliged to submit. But they would gladly know, what was the matter now: why these very people that proposed it last year, and told us it was absolutely necessary for the honour and security of *England*, are the first that propose the repealing of it now? To this little return was made, save that the *Scots* seemed to be of a better temper, and more disposed towards an amicable agreement, and a treaty of union, than formerly; and, in general, that it was necessary; and so it was at last found, and accordingly repealed by both houses. The *tories* indeed gave little or no opposition

tion to it; for they knew that the obstructing any measure that would promote a treaty of union with *Scotland*, would be mighty displeasing to the people of *England*, who were very fond of it; and next, they considered, that if the projected union did not come to pass, (and indeed there was not then, nor a long time after, ever a man in *Britain* expected it) they had a fair occasion to blame and attack the ministry, for thus prostituting the honour of *England*, by first promoting this act as so necessary for *England*, and then repealing it, to gratify the stubborn humour of the *Scotts*, and no good following thereupon to *England*.

The parliaments of both kingdoms having thus passed acts, empowering the queen to appoint commissioners to meet and treat with the commissioners of the other kingdom, and all obstructions being removed, that could impede the treaty's commencement; In the month of March 1706, her majesty issued out commissions, (one for *Scotland*, and another for *England*) appointing the following persons to be com-

commissioners for treating of an union betwixt the two kingdoms of *Scotland* and *England*. For *Scotland*; the Earl of *Seafeld*, (Chancellor;) Duke of *Queensberry*, (Privy-seal;) the Earls of *Marr* and *Loudon*, (secretaries of state;) *Seafeld*, *Morton*, *Weems*, *Leven*, *Stairs*, *Roseberry*, and *Glasgow*; Lord *Ar. Campbell*, (since Earl of *Ila*;) the Viscount of *Duplin*; the Lord *Ross*; Sir *Hugh Dalrymple*, (president of the session,) *Adam Cockburn* of *Ormistoun*, (Justice-Clerk;) *Robert Dundas* of *Armistoun*; Mr. *Robert Stewart* of *Tillicultry*; Sir *Alexander Ogilvy* of *Forglen*, (Lords of the session;) Mr. *Francis Montgomery* of *Giffen*; Sir *David Dalrymple*; Sir *Pat. Johnstoun*, (provost of *Edinburgh*;) Sir *James Smallet*; *George Lockhart* of *Carnwath*; *William Morison* of *Prestongrange*; *Alexander Grant*, Younger, of *Grant*; *William Seton*, Younger, of *Pitmedden*; *John Clerk*, Younger, of *Pennycuik*; *Hugh Montgomery*, (Provost of *Glasgow*;) *Daniel Campbell*, and *Daniel Stuart*, (taxmen of the Customs.)

For *England*: The Archbishop of *Canterbury*; the Archbishop of *York*; *William Cooper*, (keeper of the great seal;) Lord

Lord *Godolphin*, (treasurer;) Earl of *Pembroke* (president of the council;) Duke of *Newcastle*, (privy seal;) Dukes of *Devon*, *Somerset*, and *Boulton*, Earls of *Sunderland*, *Kingslon*, *Carlisle*, and *Orford*; Viscount of *Townsend*; Lord *Wharton*, *Gray*, *Paulet*, *Somers*, and *Hallifax*; *John Smith*, (Speaker of the House of commons;) *William Cavendish*, Marquis of *Hartington*; J. Marquis of *Grauly* Sir *C. Hedges*, and *Robert Harley*, (secretaries of State;) *Henry Bolye*, (Chancellor of the exchequer; Lord Chief Justice *Holt*; Lord Chief Justice *Trevor*; Sir *Edward Northey*, (attorney general) Sir *Simon Harcourt*, (solicitor general;) Sir *John Cook*, (advocate general;) and *Stephen Waller*, doctor in the law. All these were of the court or *whigg* interest, except Mr. *Lockhart* in the *Scots*; and the Archbishop of *York*, in the *English* commission: this last, as was reported, was named merely out of respect to the dignity of the office he bore; but would not be present so much as once at the treaty. The other, because being my Lord *Wharton*'s nephew, they expected to carry him off; and as he was surprized at his being named, so he had no inclination to the employment,

and

and was, at first, resolved not to have accepted it ; but his friends, and those of his party, believing he might be serviceable, by giving an account how matters were carried on, prevailed with him to alter his resolution ; but he foreseeing that several things would occur during the treaty, that were contrary to his principles, as the business of an incorporating union, and, in consequence thereto, the succession of the House of *Hanover* to the crown ; he convened together the Earl of *Home* and *Strathmore*, the Viscount of *Stormont*, Mr. *Cockran* of *Kilmaronock*, Mr. *Fletcher* of *Salton*, and Mr. *Henry Maul* of *Kelly* (who were the chief instruments of persuading him to attend the treaty) and wrote to the Duke of *Hamilton*, who was then in *Lancashire* : and having communicated to them his difficulties, he desired their advice and direction, how he should behave, and particularly whether or not he should protest and enter his dissent against these measures ; being resolved to receive instructions from them, as a warrant for his procedure, and to justify his conduct : to whom they all unanimously returned this answer, that if he should protest,
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he could not well continue longer to meet with the other commissioners ; and if he entered his dissent, it would render him odious to them ; that they would be extremely upon the reserve with him, so as he would be utterly incapable to learn any thing that might be useful afterwards in the opposing the design ; whereas if he sat quiet, and concealed his opinion as much as possible, they, expecting to persuade him to leave his old friends and party, would not be so shy, and he might make discoveries of their designs, and thereby do a singular service to his country ; therefore they agreed in advising him, neither to protest, nor dissent, nor do any thing that might discover his opinion and design, unless he could find two or three more to concur, and go along with him, (which was not to be expected :) but to sit silent, making his remarks of every thing that passed, and remain with them as long as possibly he could ; and then at last, before signing the result of the treaty, to find out some pretence or other of absenting himself. Mr. *Lockhart* having thus accepted of his employment, only to gratify the desire of those of his party, and

and that he might serve them; and having regulated his conduct as they directed, having exactly done all, and nothing more than they required of him. And it being evident, that upon this account he drew upon himself the displeasure and malice of the court in a particular manner: it was hard that the cavaliers likewise should have objected against him: what! (said they, after he came down to *Scotland* from the treaty, and continued so saying, till they saw him as keen as any in *Scotland* against the union, when under the parliament's consideration) he of the country party, and suffer an incorporating union to be agreed without opposing it? What! he a well-wisher to the royal family, and hear the succession of the crown given to *Hanover*, without protesting against it? These and such like were their sayings of him: I believe indeed they did not, and there are but few still that know the grounds upon which he went: but these gentlemen were to blame, (but it is what they often fall into) and it is very discouraging to censure and condemn the actions of those that they have no reason to distrust. It is impossible,

sible, at least improper, to discover all the secret springs and motives that induced such and such measures to be taken by all that are well wishers to that cause; and if they have observed the persons doing things, for which they do not understand the reasons, to have formerly behaved honestly, they ought to rest some time in suspense before they give their judgment. However, Mr. *Lockhart* was so well warranted for what he did, and his constant behaviour since he came to be a parliament man so unblameable, that he has no cause to be uneasy at such rash and unreasonable censures, and might rather have expected from the cavaliers, their kindness than displeasure. But to wave this digression, which I thought necessary, because of the unjust censures of some upon that gentleman's behaviour; let us proceed to the matter we are upon.

The first
rise of the
treaty.

Yet before we come to give an account of the treaty itself, let us enquire more narrowly, whence it had its rise; what was designed by it; and who were the promoters of it.

By

By all the accounts I could ever yet learn, the treasurer of *England*, and court party there, did not at first design the treaty of union should have gone the length it afterwards did: it being a mighty stroke to the power of the monarchy, and consequently to them, who advised and directed the queen in all matters: but the treasurer being extremely blamed for allowing the queen to pass the *Scots* act of security, and concerning peace and war, into laws, knew the Tories, who waited only for a proper time, designed to lay hold on this as a handle wherewithal to pull him down; and therefore, to save himself, by amusing *England* with the hopes of an entire union, he set this treaty on foot, with a design to have spun it out so long, as he was in hazard of the attempts and malice of his enemies. But the *whig* party joined most sincerely in the measure of an incorporating union: they knew the *Scots* would not settle the succession of their crown, as it was in *England*, without either such limitations upon the sovereign, as would secure them, and their interests,

from

The motives
that induced
the court of
England.

The whigs
in *England*.

from the influence of *English* councils; or good terms from *England*, in relation to trade and commerce, (the first of which did not suit their designs, and the other they had no mind to bestow that way;) and therefore preferred this of an entire or incorporating union, to all the measures that had been proposed for reducing *Scotland* to *England*'s beck, and obedience; for they thought it not only secured *England* from the dangers that might arise from thence, but made likewise for their own private designs and projects: for if that party had only projected the security and interest of *England*, a foederal union (which would have been more acceptable to *Scotland*) would have done that as affectually, as an entire one; for they had the same baits of communication, of trade and other advantages, wherewithal to tempt the *Scots* to yield to them, the one way as well as the other: and after having persuaded them on the faith of this foederal union to settle the succession of that crown as it was in *England*, all fears of a separate interest and a pretender to the crown vanished. And in a little time there-
after

after, when once affairs were settled, they might easily, by an act of the English parliament, deprive the Scots of such privileges, as they thought tended too much to their disadvantage, by virtue of their enjoying this communication of trade (as they did formerly by their act of navigation in King *Charles* the second's reign) by these means gain their ends of reducing the Scots to their measures, and at the same time continue them (their old enemies, whom they still do and ever will heartily hate and abhor) under the bonds of slavery they have been exposed to, these hundred years by past.— But the whigs had somewhat in view, besides the general interest and security of *England*, or establishing the succession of the house of *Hanover* on the two thrones of this island (all monarchs and race of kings being equally odious to them) their design being sooner or later to establish a commonwealth, or at least clip the wings of the royal prerogative, and reduce the monarch to so low an ebb, that his power should not exceed that of a stadtholder of *Holland*, or a doge of *Venice*, and it was plain and obvious
such

such designs could be more easily executed, when the legislative authority of *Scotland* was abrogated, by reducing the representative of that nation to a small and inconsiderable number, incorporated with a much greater, and subjecting her to the laws, regulations and government of another kingdom, of which they had the chief management and direction, than if the Scots nation and parliament remained a distinct and independent people and judicature; and were thereby in a capacity to assist their sovereign in maintaining his justs, rights and prerogatives in that as well as his other kingdoms. They remembered how the Scots in the reign of king *Charles* the second, did cast the balance and defeat their design of secluding the duke of *York* from succeeding to the crown, and were resolved by this incorporating union to remove that obstacle to their future projects and designs. Thus the court and whig parties in *England* agreeing (though upon different topicks and views at first) in the measure of a treaty of union betwixt the two kingdoms, the latter prevailed to have a plurality of their own party in both commissioners,

commissions, particularly the Scots, who so frankly yielded to the demands of the English, and prostituted the honour, and surrendered the interest of their country, that the terms of the treaty proved so advantageous for *England* and destructive to *Scotland*, that the treasurer and court party could not, without giving a greater handle against them, than what they proposed to evade by this measure, so much as connive at, or countenance any person that endeavoured to obstruct the union's taking effect.

On the other hand, the Scotch statesmen and revolutioners were so sensible (as was remarked somewhere else) of their own guilt in betraying their country, and acting contrary to its interest, these many years by past that they thought themselves in no security from being called to an account for their actions, unless they removed the parliament, and rendered the nation subservient and subject to a people whom they had served and from whom they look for protection.

The Scots
statesmen and
revolutioners.

The

State of Scot-
land.

Favours the
king's interest.

As likewise
does the
French king.

The treaty being now brought to its commencement, before we enter into the detail of it, let us a little cast our eyes upon the temper and disposition of the Scots nation, and observe how much the interest of the distressed royal family increased in that kingdom; it being apparent that four parts of five of the nobility and gentry even in the western shires, and many more, as a half of the commons over the whole kingdoms, did on all occasions express their inclination and readiness to serve that cause; accounts of which were from time to time transmitted to *France*; and the French king being much streightened by the success of the confederated arms against him, seemed more sincere in promoting the interest of the royal family, than formerly, when his affairs went clearly on: whether this proceeded from his regard to them or his own particular interest, I leave it to the charitable reader to determine, after he has called to mind this prince's behaviour to king *Charles* the second, during his exile, and what he has done, besides the giving of a yearly pension, for the late king *James* since the revolution 1681. But sure it is, he gave out as if he

he were in earnest to do something at this time for our royal family's interest, though perhaps the true design was to give the English arms a diversion at home; and for this end he dispatched one — *Hookes*, who arrived at *Edin-burgh* in the month of *August* or thereby, 1705, with letters from the French king and King *James* to the Duke of *Hamilton*, the Earl of *Errol*, the Earl *Mar-shal* and Earl of *Hume*; exhorting them to stand up and act for the interest of the distressed royal family and promising to assist the Scots (his dearly beloved ancient allies) in so good a design as the restoring their king to his thrones, empowering *Hookes* to receive proposals, and desiring them to send over to *France* one fully instructed to treat, and conclude with him for that effect.

Hookes sent
from France
to Scotland.

This *Hookes* was one of the Duke of *Monmouth's* chaplains, when he invaded *England*; whether he was taken prisoner and pardoned, or made his escape, after the defeat of that rebellious enterprize, and when it was that he turned Roman catholick, and entered into the French service, I cannot tell; but at this time he was actually a colonel, and

His character.

and commanded a regiment of foot in the French army : being a mettle-pragmatical fellow (as is easily to be credited by his raising himself to such a post) he had gained credit at the court of *France*, and was pitched upon, to manage the correspondence with *Scotland*. In conversing with him it appeared he was a man of good enough sense, but extremely vain and haughty, not very circumspect in the management of so great a trust, being rash and inconsiderate; which will appear from a proposal he made of being admitted to the meeting of the cavaliers and country party in *Pat—Steel's* (the place where they rendezvoused to concert their measures every day before the parliament met) to propose their owning the king's interest, and moving his restoration in the parliament, and it was with difficulty he was persuaded to refrain from it, and likewise from his informing the Duke of *Argyle*, when he was a prisoner next year after the siege of *Menin*, that he had been the year preceding in *Scotland*, treating with the king's friends, and saw his grace when he was commissioner to the parliament: in all his proposals he shewed a great deal more concern, to raise a combustion in the kingdom, and so give a diversion

sion to his master's enemies, than what did really and solidly tend to the advancement of the king's affairs.

However, the cavaliers to whom his letters and message were delivered, not being then in a condition to give a positive answer to his demands, told him in general terms, that they were willing to do every thing that could in reason be demanded of them for advancing the king's service; and would, as they were desired, send over one in a little time, to confer with King *James* and the king of *France*. With which answer he returned to *France*.

Cavalier their answer to him.

The cavaliers, resolving, as they had engaged, to send one over to see what offers of assistance the French King would make, unanimously made choice of Capt. *Henry Stratton*, being a person of entire honour and honesty, and every way well qualified for such an employment; and accordingly next day, after Mr. *Lockhart* returned from the treaty, which was some time about the latter end of *July 1706* *Henry Stratton* (having waited till he came down to get a full account of what had passed there) set sail for *Leith*, in Capt. *James Tait's* ship, and arrived safely in *France*. Mr. *Lockhart*, besides what concerned the treaty, was desired to pump the

Send Captain *Stratton* to *France*.

Mr. *Lockhart's* private instructions when he went to *London*.

Tories

Captain
Stratton's
reception.

Tories in *England* and see how they stood affected, and what they would do, in case the king came over and the Scots declared for him, and accordingly having found means to understand the Duke of *Leeds*, the Lord *Granvill*, and several other of the tories sentiments on that point, he informed Captain *Stratton* that they were much more cautious, and not near so forward in *England*, as in *Scotland*; all there, being of opinion, no attempt was to be made during Queen *Anne's* life. Captain *Stratton* was kindly received, but could bring nothing to a conclusion; the battles of *Ramelies* and *Turin*, having so disconcerted the king's measures, that he was not in a capacity to afford either men or money at that time, for our king's service. However, King *James* told him he longed extremely to be amongst his *Scots* friends, and obliged him to give in writing, and signed, a character of every man in the *Scots* parliament, as they stood affected to him, and were capable to serve him; and then he was dismissed, with fair promises from the *French* King, of doing all that could be expected at another time, and with letters from king *James* to the Duke of *Hamilton*, Earl of *Errol*, Earl *Marshall*, and Viscount of *Stormont*; which last had
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likewise two letters inclosed in his, one to the Duke of *Atbole*, and the other to the Marquis of *Montrose*, to be delivered, as he saw proper. The first was delivered, and kindly received; but the other person was turned such an obstreperous renegado, that it was to no purpose, to make any attempt on him; besides there was a visible danger of his discovering all to the ministers of state; who, though they knew that captain *Strattan* had been in *France*, took no notice of it, he having been furnished with credentials from honest merchants in *Edinburgh*, to act as supercargo in the ship, which transported him, wherein was a considerable quantity of lead; and by these means sufficiently able to give an account of the occasion of his voyage; however, they did not doubt, but this his first voyage concerned something more than trade, but having no proof, they did not prosecute him, and thus these two negotiations came to no effect at this time. In the interim, the people's inclination towards King *James*, still increased, and his interest prevailed daily more and more, over all the kingdom.

But it is high time to reassume the treaty, the first meeting of which, was on the 16th of *April*, where the lord keeper of *England*, and the lord chancellor

The treaty
re-assumed.

chancellor of *Scotland* made the following introductory speeches.

My Lords,

The keeper
of *England's*
speech.

WE the commissioners appointed by her majesty and authorized by the parliament of *England* to consult and treat with your lordships, as impowered in the like manner by her majesty, and parliament of *Scotland*, concerning an union of the two kingdoms, and such other things as we the commissioners on both parties shall think convenient and necessary for the honour of her majesty, and the common good of both kingdoms, do apprehend, there never was in any assembly of this nature, so little reason as at present, for the commissioners of *England* to give any verbal assurances of their zeal to promote and complete (so far as in their power) the great and good design we are met about, since it cannot be doubted but we bring along with us the same sentiments, which so lately appeared in the parliament of *England*, where they took care to manifest by a solemn act, that they did postpone all other considerations to their evidencing a good and friendly disposition towards *Scotland*; the parliament of *England* in making that unexpected

expected advance, seemed resolved if possible, to attain that union, which has been so long thought necessary by all that wish well to the prosperity of both kingdoms. And we most sincerely assure your lordships, we do accordingly meet your lordships with hearts fully resolved to use our utmost endeavours to remove all the difficulties in this treaty, to prevent all misunderstandings, and cherish and improve the good dispositions to one another, to meet with, to have the general and joint good of both kingdoms, solely in our view, and not the separate of either: but to act as if we were already united in interest, and had nothing left, but to consider what settlements and provisions are most likely to conduce to the common safety, and happiness of this whole island of *Great Britain*. Which measures, if pursued on both parts, we hope may enable us to prepare such terms of union, as may prove satisfactory to her majesty and the parliament of both kingdoms.

My Lords,

‘THE lords commissioners for *Scotland* have desired me to assure your lordships, that they meet you on this occasion, with great willingness and satis-

The chancellor of *Scotland's* speech.

' satisfaction, to treat of an union be-
 ' twixt the two kingdoms, and of such
 ' other matters and concerns, as may
 ' be for her majesty's honour, and the
 ' maintaining a good understanding
 ' between the two kingdoms: we are
 ' convinced that an union will be of
 ' great advantage to both; the protef-
 ' tant religion will be thereby more
 ' firmly secured; the designs of our ene-
 ' mies effectually disappointed, and the
 ' riches and trade of the whole island
 ' advanced. This union hath been of-
 ' ten endeavoured both before and since
 ' the kingdoms were united in allegiance
 ' under one sovereign, and several
 ' treaties have been set on foot for
 ' that end, though without the designed
 ' success; but now we are hopeful, that
 ' this shall be the happy opportunity of
 ' accomplishing it. Her majesty hath
 ' frequently signified her good incli-
 ' nations towards it, and we are the
 ' more encouraged to expect success in
 ' this treaty by the good disposition
 ' which appeared in the parliament of
 ' *Scotland* to it, and by the friendly pro-
 ' ceedings of the parliament of *England*,
 ' which give general satisfaction. We
 ' have a great confidence in your lord-
 ' ships good intentions, and we shall
 ' be ready on our parts to enter into
 ' such measures with you, as may bring
 ' this

'this treaty to such a conclusion as
'may be acceptable to her majesty and
'the parliament of both kingdoms.

The *English* before they opened their pack to shew the golden ware, the *Scots* were to get from them, first proceeded to demand and secure what they wanted of the *Scots*, and for that end made the following proposal: 'that the two kingdoms of *England* and *Scotland* be for ever united into one kingdom by the name of *Great-Britain*, that the united kingdom be represented by one and the same parliament, and that the succession to the monarchy of the united kingdom (in case of failure of heirs of her majesty's body) be according to the limitations mentioned in the act of parliament made in *England* in the 12th and 13th years of the reign of King *William*, entitled *An act for the further limitation of the crown, and the better securing the rights and liberties of the subject.*' The *Scots* demanding time to consider of a reply, and being convened together for that end, there was not any that appeared against this proposal. All of them (except Mr. *Lockhart*, who, as was before observed, had orders from his friends to sit silent and make his observations)

Proceedings
of the com-
missioners.

vations) positively declaring for this scheme of an entire (as the *English* termed it) or incorporating union, as the *Scots* termed it: but because they knew thd *Scots* nation was rather inclined for a *fæderal*, than this kind of union, and that the clause proposed to be added to the *Scots* act of parliament empowering the queen to nominate commissioners, which would have restricted the commissioners from treating on any subject, that should any ways derogate from any fundamental laws, ancient privileges, offices, rights, liberties and dignities of the nation, was rejected by a plurality of only two voices: they all agreed and thought it necessary once to make a proposal for a *fæderal* union, and having accordingly agreed upon the draught of the proposal, ordered the chancellor to give it into the board in the name of the *Scots* commissioners; but lest the *English* commissioners should be offended at their not giving a direct answer to their first proposal, and to let them understand the true cause of their proceeding after this manner, and that they did not design to reject what was proposed by the *English*, they ordered the chancellor, after the proposal was read, to make the following discourse.

My

My lords, I am commanded to acquaint your lordships, there is nothing contained in this proposal (of a federal union) but what the *Scots* had always claimed as their right and privilege, as being under the same allegiance with *England*: but that by making this proposal, they did not reject the other proposal (of an entire union) made by your lordships; but are of opinion this scheme would be most effectual to facilitate the *English* succession's being established in *Scotland*.

Now let God and the world judge, if the making this proposal after such a manner, was not a bare-faced indignity, and affront to the *Scots* nation and parliament. It is true indeed, they did it out of regard to them; and it was the only regard they shewed, during the whole treaty for them; but it proceeded more from fear of, than love to them; else since they knew it would be so much more acceptable as the other scheme, why did they propose it with a design, and actually afterwards, upon the *English* commissioners, telling them in a saucy manner, they did not incline so much as once to take it into consideration (their very words) recede pitifully and meanly from it, without saying

one word to enforce it : though there had been no previous agreement, betwixt the two sets of commissioners, and both had met on equal terms, without any dependence the one upon the other, for places, pensions, &c. yet this very preliminary step was sufficient to encourage the *English* to have proposed and expected such conditions from the *Scots* as they pleased, and thought convenient for *England*; and the *Scots* commissioners were so sensible of the meanness of this proposal, that it was sufficient to inform all the world, how little regard they had for the honour and interest of their country in a matter whereon her future misery, or happiness depended, that they concealed this discourse, which they ordered the chancellor to make in their names, and did not as usual in all other occasions record and engross it in their minutes. However, I found a way to get a copy of it in these very words, as I have set it down.

The English commissioners, as I said before, having refused to take this proposal under their consideration, the *Scots* made no further delay, but agreed to the proposal of an entire union, as contained in the proposal, made first by the English commissioners, which
being

being the main game the English were in quest of, and the ground-work upon which all the structure was to be built: the lords commissioners of both kingdoms set about the regulation of the trade, receive laws, taxes and debts of the two kingdoms, wherein the Scots commissioners agreed to and accepted of such terms as the English commissioners were pleased to allow them: it is needless to recapitulate all the articles, and heads of this treaty, they have been all so often published in print, and canvassed upon by people of all persuasions and professions, that none can be ignorant of them.

It will suffice here, to make some Remarks thereupon.
 few remarks upon the behaviour of the commissioners at the treaty. In doing of which, I crave leave once more, in the first place to observe, how pitifully they abandoned their proposal of a federal, and accepted of an incorporating union, basely betraying and meanly giving up, the sovereignty, independency, liberty, laws, interest and honour of their native country, in defence whereof their fathers had chearfully exposed their lives and fortunes, and gained immortal praise and glory throughout all the world, bravely maintaining and defending the same, against
 P all

all attempts of the Britons, Romans, Saxons, Danes, Normans and English, and all other foreign and domestic enemies, for the space of above 2000 years: but from the commencement unto the conclusion of this treaty, it was as plain as two and three make five, that the Scots commissioners were resolved (for the reasons already mentioned) to agree to and accept of a scheme of union, though upon never so unequal and unreasonable terms; for at the separate meetings of the Scots commissioners, if a difficulty was at any time started, or an objection made to what they were concluding, all the answer you received was to this purpose, it is true it had better be so and so, but we must not be too stiff; the English will not agree otherwise, and I am sure you would not break the treaty for this; and thus they proceeded all along, without having any regard for the true interest of their country; endeavouring only as much as possible to palliate their own knavery and hood-wink the nation from discerning the same; for which end sometimes they pretended to differ from the English commissioners, and reports were industriously noised abroad, that the treaty would break up without concluding on any scheme, particularly when the Scots did insist to obtain
a greater

a greater abatement of taxes, and the English by piece-meal, and as with reluctance consented to it: and in regulating the number of the Scots representatives in parliament, the English propose thirty-eight commoners, the Scots make a great noise about it, and a solemn conference must be appointed to debate on that subject; whereas all this was contrived to deceive the world with a belief, that both sides stood zealously for the interest of their respective countries, and that this was no patched up commission, but consisted of persons upon an equal footing, who had no dependency upon, nor secret correspondence and project with one another; it consisting with my certain knowledge, that the English did design from the beginning, to give the Scots forty-five commoners, and a proportionable number of peers: but had the Scots stood their ground, I have good reason to affirm, that the English would have allowed a much greater number of representatives and abatement of taxes; for the English saw too plainly the advantage that would accrue to *England* by an union of the two kingdoms upon this scheme, and would never have stuck at any terms to obtain it: and indeed they cannot be blamed for making

the best bargain they could, for their own country, when they found the Scots so very complaisant, as to agree to every thing that was demanded of them managing all matters in a private club, so that when the Scots commissioners met amongst themselves, a paper containing an answer to the last demand of the English commissioners was presented by the chancellor or one of the two secretaries, which being read, was immediately approved of, and then given in, to the general meeting, without being discoursed upon (as matters of such weight and importance did require) or the commissioners allowed copies, or the least time to consider what was contained in it, and thus they drove on headlong to a conclusion, which they effectuated on the day of

1706. Many were the handles to bubble over the Scots to it, such as repeated assurances from the leading merchants in *London*, for erecting manufactories and companies for carrying on the fishery. The communication of trade was magnified to the skies, and the *East* and *West India* gold was all to terminate in *Scotland*: but the equivalent was the mighty bait; here was the sum of 391085 pound sterling to be remitted in Cash to *Scotland* (though the Scots were to pay it and much

much more back again in a few years, by engaging to bear a share of the burthens imposed on *England*, and appropriated for payment of *England's* debts.) This was a fund, say they, sufficient to put *Scotland* in a capacity for prosecuting trade, erecting manufactories and improving the country: but in reality here was a swinging bribe to buy off the Scots members of parliament from their duty to their country, as it accordingly proved: for to it we may chiefly ascribe, that so many of them agreed to this union. The hopes of recovering what they had expended on the *African* company, and obtaining payment of debts and arrears due to them by the Scots government (it being articulated in the treaty, that it should be expended this way, prevailed upon many to overlook the general interest of their country.

The treaty being thus brought to a period, the Scots states-men and true blue revolutioners, and the English ministry and whigs, upon the same considerations that moved them first to enter upon this measure, and thereafter conclude it in those terms, resolved with their utmost vigour to prosecute, in their respective parliaments of both kingdoms, the design of uniting the two nations, according to the articles

ticles agreed to by the commissioners, though I knew they were very diffident of success, and did not expect to have carried it through, at the time the Scots parliament met, and had it not been for some very particular unexpected accidents, they would not come off as they did, and of which we will hereafter have occasion to give a more particular account, only let me remark at this time, there seemed to have been a chain of accidents all tending directly to the ruin and overthrow of this poor people, among which, none of the least was the death of *Charles Earl of Home*.

Earl of
Home's death
and character.

One cannot imagine how great a loss the royal family and country party sustained by it; for though he was one that did not express himself with any tolerable share of eloquence, yet he was master of a sound judgment and clear conception, and had a particular talent of procuring intelligence of his adversaries most secret designs, so as generally he informed his friends of them, and thereby gave them an opportunity to thwart them: and this proceeded from his being esteemed by people of all parties, on account of his eminently unbiassable honesty and integrity in both private and public matters; and the want of this intelligence, was an unspeakable disadvantage to those that opposed the

the union, in the ensuing parliament. He had given evident proofs that no temptation could seduce him in the least, from prosecuting and adhering with the utmost vigour, to what he owned to be his principle and opinion; and was so zealous for the interest of his country, that would he have deserted her, he might, more than once, have made his own terms with the court, and was so faithful to the royal family, that he suffered much upon that account, and was more relied upon than any other; and so well was his reputation established, that he proved an awe-band over others; and so obliged them to suspend their private grudges, and join cordially in one measure.

Before the parliament met in *Scotland*, the statesmen returned hither from *London*, and took all imaginable pains to give false glosses and representations of what was agreed to, in the treaty, and put such a face upon, and gave such accounts of it, (but the articles themselves were kept a mighty secret, no copies being allowed of them, and in *England* a proclamation emitted, prohibiting all books and wagers on that subject) that at first it took generally with the Scotch-men; but no sooner did the parliament meet, and the articles appear in public, but the nation seeing how

State of affairs in *Scotland*, relating to the union.

how different they were, from the accounts they first had of them, became universally averse to the project, as will be seen in the sequel. The squadron likewise about this time, pretended as much as any to dislike the union, but as they never scrupled to serve their own interest, though at their country's cost, no sooner was the Marquis of *Montrose* made president of the council (which place had been vacant from the time the Marquis of *Annandale*, was removed from thence, and made secretary of state; and which he had often refused to accept of again, after he was laid aside from being secretary of state; to make way for the Earl of *Marr*) I say no sooner was the Marquis of *Montrose* invested with that office, and a letter came down from the Duchess of *Marlborough* to the Earl of *Roxburgh*, assuring them of being taken into favour, and intrusted with the government, if they would concur with the measures of promoting the union, than they struck in with the court and forwarded the union with the greatest heat and zeal of any in the parliament. A gentleman on a certain occasion, having privately argued with my Lord *Roxburgh*, and answered all his arguments for the union, concluded that posterity would

would curse his memory, if he concurred with a measure that so infallibly brought ruin to his country. To which his lordship replied, that he did not value what was to come after he was gone, provided he could obtain his ends now, and be revenged of the Duke of *Queensberry*, which he had reason to believe would be more easily attained, if the union had once taken effect. I have mentioned this story as a sample that induced the venerable squadron, to enter into this measure. The presbyterians appeared most zealously against the union; the ministers were every where apprehensive of the kirk government, and roared against the wicked union from their pulpits, made resolves and sent addresses against it from several presbyteries, and the commission of the assembly, as we shall hear by and by; but no sooner did the parliament pass an act for the security of the kirk, than most of their zeal was cooled, and many of them quite changed their notes, and preached up, what not long before they had declared *anathema's* against; yet with no effect, for their auditories stood firm, and the clergy lost much of their reputation, by shewing so much selfishness, and little regard to the interest and honour of the country.

The

The differences likewise and envy that arose betwixt the two Dukes of *Hamilton* and *Athole* contributed not a little to the obstructing the opposition the court party would have met with: but nothing so much saved the union from being totally demolished, as the season of the year; for had not the parliament met and sat in the winter, and the weather proved very rainy and tempestuous, it would have been impossible to have kept the country people from coming to a head from all parts of the kingdom, and tearing in pieces all those that promoted it. This by the by; but when we come to the parliament itself, then we shall have these particulars more under our consideration, and then it will evidently appear, that though the articles of the union were approved of in parliament, yet the whole nation was altogether averse to them.

We come now to the parliament itself, on which all mens' eyes were fixed, expecting to learn the fate of the nation, whether it were to remain free and independent, or under the colour and pretext of an union, be altogether at the discretion of another stronger and richer people, its avowed enemies, and be rendered altogether incapable to exert itself, and defend its liberties, as
became

became a free people. These considerations brought together an unprecedented number of people of all ranks, sexes, ages and persuasions, from all corners of the land, to *Edinburgh*, and every one now pretended to understand the politicks, and give their opinions freely and avowedly of the state of affairs.

The parliament met the 3rd of *Octob.* Parliament meets. 1706, to which the Duke of *Queensberry* was appointed commissioner. The queen's letter, commissioner, and chancellor's speeches, consisted chiefly in setting forth the advantage that would accrue to the nation by being united with *England*; and therefore recommended the treaty, as agreed to by the commissioners, and craved subsidies. The court prevailed in the first *sederunt* to have the articles of union read, and proceeded immediately to the consideration of them; and it was not without some struggle obtained, that all records relating to former treaties betwixt both kingdoms, should be laid before the house, and that in the intervals of parliament they might be seen by all that called for them, in the lower parliament house, where the lord register should order some of his servants to attend. On the 15th the court moved, that in the terms of the resolve, past the

Proceedings.

Motion that
the members
advise with
their consti-
tuents about
the union.

Arguments
against it.

For it.

the 12th, the house should proceed to the consideration of the articles of union: there were many opposed this as too hasty a procedure in so momentous an affair, and craved liberty now they had seen the articles to consider and advise with their constituents concerning them, from whence arose a hot debate, whether or not the parliament without particular instructions from their constituents could alter their constitution of the government; the courtiers alleged the affirmative, since the members had ample commissions, to do all things for the good of the country, and that one of the reasons assigned in the proclamation for summoning this parliament, was to consider on ways and means to unite these two kingdoms; to which it was replied, it was true the commissions were ample, but the very nature of them, bound up the representatives, from overturning the constitution of the kingdom, or disposing of what did not belong to them; viz. The representations of the shires and boroughs, the design of sending them there, being to preserve their constituents, rights and privileges, and give advice to their sovereign in making laws, and supporting and upholding that constitution, by virtue of which they

they first received their commissions, and accordingly met and acted: And as for the reasons alleged from the summons of parliament, every body knew the nation had nothing of the union in their view, at the time this parliament was chosen, besides it was so long ago, that it was not strange the barons, freeholders, and burghs expected their representatives should advise with them; and since they were not allowed to have a new election, that thus their sense of this weighty affair might be known in parliament, that it would tend much more to the honour of the commissioners of the treaty, if it was approved of in a parliament called for that purpose, or by members, who had received the fresh instructions and opinions of the nation, than by a parliament which had continued so long, and thereby so many of its members corrupted by bribes, pensions, places and preferments. A great deal more to this purpose, was urged and insisted upon; but at length a vote was stated in these words, *proceed to consider the articles of the treaty, or delay:*

But it carried in the affirmative, by a plurality of sixty four voices, and all that the country party could claim, was, that the house should not proceed to vote and approve

Parliament
proceeds to
consider the
treaty.

prove any of the articles, until they were all once read, and discoursed on by the members, after which, the house proceeded to, and in a few days finished the reading of them. The country party, particularly the Duke of *Hamilton*, Duke of *Athole*, Marquis of *Annandale*, Lords *Belhaven* and *Balmerino*, Mr. *Fletcher* of *Salton*, and Sir *David Cunningham* of *Milneraig*, taking a great deal of pains to expose the unreasonableness of the several articles, as they went through them; but the courtiers very seldom made any reply, having resolved to trust to their number of led-horses, and not to trouble themselves with reasoning.

General aversion of the people in *Edinburgh* to the union.

During this time, the nation's aversion to the union increased; the parliament-house, and the outer-parliament-house, were crowded every day when the parliament was met, with an infinite number of people, all exclaiming against the union, and speaking very free language concerning the promoters of it. The commissioner, as he passed along the street, was cursed and reviled to his face, and the Duke of *Hamilton* huzzaed and conveyed every night, with a great number of apprentices and younger sort of people, from the parliament house to the Abbey, exhorting him to stand by the country and

and assuring him of his being supported. And upon the 23d of October, above three or four hundred of them being thus employed, did, as soon as they left his grace, hasten in a body to the house of Sir *Pat. Johnston* (their late darling provost, one of the commissioners of the treaty, a great promoter of the union, in parliament, where he sat as one of the representatives of the town of *Edinburgh*) threw stones at his windows, broke open his doors, and searched his house for him, but he having narrowly made his escape, prevented his being torn in a thousand pieces. From thence the mob, which was encreased to a great number, went through the streets, threatening destruction to all the promoters of the union, and continued for four or five hours in this temper; till about three next morning, a strong detachment of the foot guards was sent to secure the gate called the *Netherbow Port*, and keep guard in the Parliament Close. It is not to be expressed how great the consternation was that seized the courtiers on this occasion: Formerly they did, or pretended not to believe the disposition of the people against the union; but now they were thoroughly convinced of it, and terribly afraid of their lives. This passage making

ing it evident that the union was crammed down *Scotland's* throat. For not only were the inclinations of the elder and wiser known by the actions of the rasher and younger, but even the very soldiers as they marched to seize the Port, were overheard saying to one another it is hard we should oppose those that are standing up for the country, it is what we cannot help just now, but what we will not continue at. The mob being once dispatched, guards of regular forces were placed in the Parliament Close, *Weigh House* and *Netherbow Port*, and the whole army, both horse and foot, was drawn together near *Edinburgh*, and continued so all the session of parliament: Nay the commissioner (as if he had been led to the gallows) made his parade every day after this, from the parliament house to the Cross, (where his coaches waited for him, no coaches, no person, that was not a member of parliament, being suffered to enter the Parliament Close towards the evening, of such days as the parliament was sitting) through two lanes of musqueteers, and went from thence to the Abbey, the horse guard surrounding his coach, and if it was dark, for the greater security, a part of the foot guards likewise. This mob was attended with

with bad consequences to the country party; for falling out before the nation was equally informed of the state of affairs, and equally inflamed with resentment, it was the easier dispatched, and discouraged others from making any attempts for the future, and gave occasion to the courtiers here, to represent to the ministry of *England* not to be alarmed, for it consisted of a parcel of rascally boys, no others being concerned in it, though the chief of the country party had encouraged and hired them out; besides, the placing of these guards overawed many, both in and out of the house.

Though it was plain to all unbiaſſed people, that this mob had its riſe very accidentally, yet the government was not fond of any ſuch amuſements, and therefore the next day after it happened, the privy council met and ordained theſe guards to be continued, and emitted a proclamation againſt tumultuous meetings, wherein they commanded all perſons to retire off the ſtreets when ever the drum ſhould beat and give warning, ordered the guards to fire upon ſuch as would not obey, and granted an indemnity to ſuch as ſhould on that occaſion, kill any of the leiges; and next day the chancellor acquainted the parliament what had happened, and what the council

The council
emits a pro-
clamation
againſt mobs.

Appoints
guards.

had done on that occasion, and then the proclamation being read, a motion was made, that the council should have the thanks of the house for providing for the safety of the parliament: That it be recommended to them to continue their care therein. No body pretended to justify, on the contrary, every one condemned mobs; but it was alleged since that the mob was dispersed, and no further fear of it, there was no need of the continuation of the guards, especially in the parliament close, which seemed an overawing the parliament and was never practised in any kingdom save by *Oliver Cromwell*, when he designed to force the *parliament of England* to his own ends: That it was the town of *Edinburgh's privilege* to maintain the peace within its own districts, and, that the inhabitants were willing to undertake it; that the sole *privilege* of commanding and placing guards about the *parliament house* belongs to the *Earl of Erroll*, as high constable; and the *Earl Marshal*, as Marshal of *Scotland*; however, the courtiers being deadly afraid of their bones, gave no ear to decency, reason or justice, but pressed a vote, and the motion was approved, reserving nevertheless the town of *Edinburgh's privileges*: But before voting, the *Earl of Erroll* protested that the continuing of

Approved in
Parliament.
Protest by
Earl of *Erroll*
against it.

standing

standing forces within the town of *Edinburgh*, and keeping guards within the parliament close and other places within the town in the time of parliament (as is done at present) is contrary to the right of his office as high constable, by which he had the only right of guarding the parliament without doors, as the Earl Marshal had within doors, and was an incroachment on the rights and privileges of parliament, and on the particular rights and privileges of the town of *Edinburgh*; and if any vote should pass contrary to his right, or the Earl Marshal's right, or the parliament or town of *Edinburgh's* rights and privileges, that it should not in any time thereafter prejudice the same, or be any ways drawn in consequence, and desired this protestation might be inserted in the minutes and recorded in the books of parliament; to which protestation adhered the Dukes of *Hamilton* and *Atbole*, the Marquis of *Annandale*, the Earl Marshal, the Earl of *Wigton*, *Strathmore*, *Selkirk* and *Kincardin*, Viscounts of *Stormoul* and *Kilfytch*, the Lords *Semple*, *Oliphant*, *Balmerino*, *Blantyre*, *Bargeny*, *Belhaven*, *Colvil*, *Duffus* and *Kinnard*; Geo. *Lockhart* of *Cornwalth*, Sir *James Foulis* of *Colintonn*, *Andrew Fletcher* of *Salton*, *John Brisbane* of *Bishopton*, *Wm. Cockran*

of Kilmaronock, John Stuart of Kilgumlock, John Graham of Killearn, James Graham of Bucklroy, Robt. Rolls of Powhouse, Sir Patrick Murray of Auchtertyre, John Murray of Strowan, Sir Thomas Burnet of Leys, Alexander Gordon of Pitlurg, James More of Stonywood, Patrick Lyon of Auchterhouse, David Graham of Fintre, James Ogilby of Boyn, Alexander Miggbie of Palgown, James Dunbar of Hempings, and Geo. Mekenzie of Inchcoulter, Barons; Alex. Robertson, Alexander Adgai, Alexander Duff, Francis Malison, Robert Kelly, Wm. Sutherland, Archibald Sbieles, John Lyon, John Carruthers, Geo. Home, James Bethune, John Blair and Robert Frazer, Burrows

Indignities to
the commander.

Notwithstanding the precaution of the government, and that several boys were incarcerated, as being accessory to the late mob, and a committee of parliament appointed to make enquiry after such as had, or should be guilty of such tumultuous meetings, or of shewing any disrespect towards my lord commissioner, yet his grace was constantly saluted with curses and imprecations, as he passed through the streets, and if the parliament sat till towards evening, then to be sure he and his guards were well pelted with stones, some whereof, even entered

entered his coach, and often wounded his guards and servants ; so that often he and his retinue were obliged to go off at a top gallop and in great disorder.

If now we leave the town, and make a tour through the country, though the badness of the season prevented their coming together, and proceeding to acts of violence, yet there we shall find the same, if not a greater aversion to the union, which amongst other things appears from the addresses, that were presented during this session of parliament, from several shires, stewartries, burghs, towns, and parishes situated in all corners of the land, whig and tory, presbyterian and episcopal, south and north, all agreeing against the union. I know very well that the author of the history of *Europe*, for the year 1706, and that vile monster and wretch *Daniel De Foe*, and other mercenary fools and trumpeters of rebellion, have often asserted, that these addresses and other instances of the nation's aversion to the union, proceeded from the false glosses and underhand dealings of those that opposed it in parliament, whereby the meaner sort were imposed upon and deluded into those jealousies and measures. I shall not deny, but perhaps this measure of addressing had its

its first original, as they report, but it is absolutely false, to say that any sinister means were used to bring in subscribers, the contrary is notoriously known, for the people flocked together to sign them, and expressed their resentments with the greatest indignation: neither was it from a mobbish humourish fit that this proceeded, for the barons and freeholders, being denied the liberty of giving instructions to their representatives, entered into this measure, as the most proper to signify their inclinations to them, and it is not to be expressed what a value, I may say veneration, the commons shewed for the sovereignty, which they expressed by exclaiming against the taking away the crown laws of the land: but I would ask these hawking scribes, if they reckon the barons and freeholders of the nation, among the number of these led horses, if they do, what shall become of the *vox populi*, will it continue *vox dei*? I would further ask them since these addresses were carried on, as they alleged, why did not the promoters of the union bring counter addresses to the parliament? sure it will not be said that they wanted inclination, interest or reason on their side, this measure had taken away the argument of the nation's dissatisfaction
from

from the anti-unioners and justified the promoters of the union, that they did what was agreeable to, at least to so many as should address for it; but the truth of the matter lies here: they did attempt it, but could prevail in no place but the town of Air, where they got one subscribed, but by so pitiful and small a number, that they thought shame to present it, especially when one, a little thereafter against the union, was signed by almost all the inhabitants of that town; neither did they omit any thing in their power to obstruct the addresses against the union, but without success, except in the shire of Air, where the earls of *Loudon*, *Staves* and *Glasgow*, prevailed with most of the gentlemen to lay it aside, though otherwise they expressed themselves as opposite to the union, as in any other place, and in the town of *Edinburgh*, where after an address was signed by many thousands, they prevailed with the magistrates to prohibit it, by threatening to remove the parliament and judicatories from thence; and lastly in these shires, where the greatest men, who were promoters of the union had their estates and interest (such as *Argyleshire*, *Bute*, *Sutherland*, &c. and are, as it were, petty sovereigns themselves; yet they could not though they

endea-

endeavoured to persuade their vassals and tenants to sign an address for the union, and were obliged to compound with them not to sign against it.

Addresses to
the parlia-
ment against
the union.

Having said so much of these addresses, it will not be improper to insert a copy of one of them, and which was for the most part, made use of every where (excepting that some of the western parishes added the inconsistency of the union with the national and solemn leagues and covenants) and likewise the name of the places from whence these addresses came; and then it will appear, that all these places of the nation that were not under the dominion of some highland powers, who promoted the union, did shew their aversion and unwillingness to enter into it.

To his Grace, Her Majesty's high commissioner, and Right Hon. the Estates of Parliament, the humble Address of,

Humbly Sheweth,

Form of the
barons and
burrows ad-
drefs.

‘ THAT we, undersubscribing, have
‘ seen the articles of the union agreed
‘ upon by the commissioners nominated
‘ in behalf of *Scotland*, and the commis-
‘ sioners nominated in behalf of *England*
‘ in which they have agreed that *Scotland*
‘ and

' and *England* shall be united in one
 ' kingdom, and that the united king-
 ' dom shall be represented in one and
 ' the same parliament: and seeing it
 ' does evidently appear to us, that such
 ' an incorporating union as contained
 ' in these articles is contrary to the
 ' honour, fundamental laws and con-
 ' stitutions of this kingdom, claim of
 ' right and rights and privileges of
 ' the barons and freeholders and bo-
 ' roughs of this kingdom and church, as
 ' by laws established, and that the same
 ' is destructive to the true interest of the
 ' nation; therefore, we humbly be-
 ' seech your grace, and honourable
 ' estates and do confidently expect,
 ' that you will not allow of any such
 ' incorporating union, but that you will
 ' support and preserve entire the sove-
 ' reignty and independency of this
 ' crown and kingdom, and the rights
 ' and privileges of parliament, which
 ' have been so valiantly maintained by
 ' our heroic ancestors for the space of
 ' above two thousand years, that the
 ' same may be transmitted to succeed-
 ' ing generations, as it has been con-
 ' veyed to us; and we will heartily
 ' concur with you for supporting and
 ' maintaining our sovereignty and in-
 ' dependency and church government,
 ' with our lives and fortunes conform
 ' to the established laws of the nation.

This

A list of the
several places
addressing.

This draught being framed so as to comprehend every body's wish, was heartily approved and signed by the far greater majority of the barons, freeholders, heretors, farmers, and others of the shires of *Edinburgh, Dunbarton, Sterling, Renfrew, Fife, Aberdeen and Kincarden*, the barons and freeholders of the shires of *Perth, Forfar*, upper and nether wards of *Lanerk, Roxburgh, Berwick and Linlithgow*, and Stewartries of *Armandali and Kircudbright*, the inhabitants of the burghs of *Dysart, Dumfermling, Linlithgow, Forfar, Crail, Air, Ruglen, Glasgow, St. Andrews, Culcross, Sterling, Innerkeithing, Annan, Lockmaben, Dunbar, Bruntisland*, new *Galloway, Lauder*, and *Perth*, the inhabitants of the towns of *Dunkeld, Falkland, Hamilton, Borroustounness, Paisly, Maybole and Peterhead*. The masters of families and others in the parishes of *Tullyallan, Blantyre, Evandale, Cambusnethan, Cambuslang, Kilbryde, Bothwell, Old and Easter Munclands, Stonehouse, Dalserf, Covingtown, Symingtoun, Libertoun, Carstairs, Quathquan, Dunfyre, Carnwath, Cranfurd, Craufurd John, Out-Barony of Glasgow, Carnock Force, Saline, Lesmahagoe*, the four *Glenkens, Douglass, Carmichaell, Pettinane, Capuch, Lethendy, Alith Kinlock, Errol, Kilspyd, Kinnard, Inchane, Long, Forfan, St. Maldoes*

does, *Kinfaus, Logie, Airth, Larbet, Dun-
nippace, Dennay, Chainhill, Kerk, Calder,
Kirk-Michael Girvan, Kirkefswald, Barr,
Clackmannan and Biggar*: such a num-
ber of addresses so unanimously signed,
was, I said before, a sufficient indica-
tion, of the nation's aversion to the uni-
on, but its progress must not stop on this
account; such as had at first contrived
it, or were since bribed or bubbled over
to it, must not be affrighted at the scare-
crows of reason, justice, laws, rights,
privileges, inclinations of the people, in-
structions of constituents, or the advice
of even an angel from Heaven. For, as
the poet says:

*Rebels, like Witches, having signed the Rolls,
Must serve their Masters though they damn their
Souls.*

For the parliament had no more re-
gard to these addresses, which contain-
ed the inclinations and earnest suppli-
cations of the people, than if they had
indeed served for no other use than to
make kites, which was the use my Lord
Duke of *Argyle* was pleased to assign
them publickly in parliament: nay the
Earl of *Marchmont* had the impudence
to oppose their being allowed a reading
in

in parliament, alleging they were seditious; which was accordingly some time denied, till that worthy gentlemen Sir *James Foulis* of *Collington* ended the debate by acquainting the house, that if the addresses were not received from those members that were entrusted with them, he did not doubt but those that subscribed them would come and own them at the door of the house, and crave liberty to deliver them out of their own hands. Besides these addresses already mentioned, there were likewise addresses presented from the commission of the royal boroughs in relation to trade, from the commission of the general assembly in relation to the church, and from the council general of the company trading to the *East* and *West Indies* (once the darling of the nation) in relation to its particulars, and all of them met with the usual reception; but because each of them did give an account wherein they were lessened by this union, and best explain their own concerns, I shall insert them at large.

The

The humble Address of the commissioners to the General Convention of the Royal Burrows of this Ancient Kingdom convened the 29th of October, 1706. at Edinburgh, upon the great Concern of the union proposed between Scotland and England, for concerting such measures as should be esteemed proper for them to take, with Relation to their Trade or other Concerns,

Humbly Sheweth,

THAT as by the claim of right, it is the privilege of all subjects to petition, Address from the convention of burrows. so at this time being mostly impowered by our constituents, and knowing the sentiments of the people, we represent, it is our indispensible duty to signify to your grace and honourable estates of parliament, that as we are not against an honourable and safe union with *England*, consisting with the being of this kingdom and parliaments thereof, without which we conceive neither our religious nor civil interests and trade, as we now by law enjoy them, can be secured to us and our posterity, far less can we expect to have the condition of the people of *Scotland*, without relation to these great concerns made better and improved without a *Scots* parliament: and seeing by the articles

articles of union now under the consideration of the honourable estates, it is agreed, that *Scotland* and *England* shall be united into one kingdom, and the united kingdom be represented by one and the same parliament, by which our monarchy is suppressed, our parliament extinguished, and in consequence, our religion, character, government, claim of right, laws, liberty, trade and all that's dear to us, daily in danger of being encroached upon, altered or wholly subverted by the *English* in *British* parliament, wherein the mean representation allowed for *Scotland* can never signify in securing to us the interests reserved by us, or granted to us by the *English*, and by these articles our poor people are made liable to the *English* taxes, which is a certain insupportable burthen, considering that the trade is uncertain, involved, and wholly precarious, especially when regulated as to export and import, by the laws of *England*, under the same prohibitions, restrictions, customs and duties: and considering that the most considerable branches of our trade are differing from those of *England*, and are, and may be yet more discouraged by their laws, and that all the concerns of trade and other interests are after the union, subject to such alterations as the parliament of *Great Britain* shall think fit, we therefore supplicate your grace and honourable estates

estates of parliament, and do assuredly expect that you will not conclude such an incorporating union as is contained in the articles proposed, but that you will support and maintain the true reformed protestant religion and church-government, as by law established, the sovereignty and independency of this crown and kingdom, and the rights and privileges of parliament, which have been generously asserted by you in some of the sessions of this present parliament; and do farther pray that effectual means may be used for defeating the designs and attempts of all popish pretenders whatsoever, to the succession of this crown and kingdom, and for securing this nation against all the attempts and encroachments that may be made by any persons whatsoever upon the sovereignty, religion, laws, liberties, trade, and quiet of the same. And we promise to maintain with our lives and fortunes all these valuable things, in opposition to all popish and other enemies whatsoever, according to our laws and claim of right,

Signed by order, and in presence of the convention, by
Sam. M^cLellann præses.

Thus the trading part of the nation were either (as some would have it) such

such knaves, or such blockheads, as not to see the great advantage that would arise from this union. Let us now see what was the opinion of these concerned in the church.

*The humble Representation and Petition of
the Commission of the General Assembly
of this National Church,*

Humbly sheweth,

Address of
commission of
general assembly.

THAT besides the general address made by us for securing the doctrine, worship, discipline and government of this church, and now under your consideration, which with all gratitude we acknowledge, there are some particulars, which in pursuance of the design of our said address, we do with all humility lay before your grace and lordships.

1. That the sacramental test being the condition of access to places of trust, and to benefits from the crown; all of our communion must be debarred from the same, if not in *Scotland*, yet through the rest of the dominion of *Britain*, which may prove of the most dangerous consequence to this church.

2. That this church and nation may be exposed to the further danger of new oaths from the parliament of *Great Britain*, unless it be provided that no oath bond or test, of any kind, shall be required

quired of any minister or member of the church of *Scotland*, which are inconsistent with the known principles of this church.

3. There being no provision in the treaty of union for the security of this national church by a coronation oath, to be taken by the sovereigns of *Britain*, they be engaged to maintain the doctrine, worship, discipline and government of this church, and the rights and privileges of it, as by law are now established.

4. That in case the proposed union be concluded, the church will suffer prejudice, unless there be a commission for plantation of kirks, valuation of feinds, and making up the registers of that court that were burnt, and a judicatory in *Scotland*, for redressing of grievances, and judging causes, which were formerly judged by the privy-council, such as the growth of popery and other irregularities, and with which judicatory the church might correspond about thanksgiving and fasts.

Likewise we do humbly represent that in the second part of the oath of abjuration in favour of the succession in the protestant line, there is reference made to some acts in the *English* parliament, which every one in this nation, who may be obliged to take the said oath may not so well know, and therefore cannot swear with judgment; as also there seems to

us to be some qualifications required in the successor to the crown, which are not suitable to our principles.

6. And in the last place, in case this proposed treaty of union shall be concluded, this nation will be subjected in its civil interest to a British parliament, wherein twenty-six prelates are to be constituent members and legislators, and lest our silence should be construed to import our consent or approbation of the civil places and power of church-men, we crave leave in all humility and due respect to your grace and honourable estates of parliament, to represent, that it is contrary to our known principles and covenants, that any church-men should bear civil offices, or have power in the common-wealth.

These things we humbly beseech your grace and lordship to consider, and provide suitable remedies thereto, and we shall ever pray, &c.

*Signed in name, in presence, and
at the appointment of the fore-
said commissioners of the gene-
ral assembly,*

Will. Wisheart, Moderator.

When

When this address was framed, there were several of the ministers did sincerely promote this and every other measure against the union, judging it against the interest and honour of the nation, particularly Mr. *John Ballantyne*, minister at *Lanerk*; yet as I observed elsewhere, no sooner did the parliament pass an act for the security of their kirk, wherein the dangers that might arise from what was included in the second, third and fourth articles of their address was provided against, than most of the brethrens zeal cooled, thereby discovering, that provided they could retain the possession of your benefices, they cared not a farthing what became of the other concerns of the nation. When the commission of the general assembly first met, the ministers to one man, excepting some few in or about *Edinburgh*, did declare against the union, but could do nothing effectually and to purpose, because the ruling elders (who were for the most part dependers on the government, none of the cavaliers ever desiring such an employment) thwarted and over-ruled them in every thing, but at last the above-mentioned representation was approved: after which the ministers dwindled away in their number, most of them that came from the country returning

thither, and little besides the representation was done by the commission in this critical juncture, only some few presbyteries, such as *Lanerk, Hamilton, Dumblain*, and some others, addressed the parliament against the union; but the brethren for the most part were guilty of sinful silence, which so enraged the populace against them, that they did not stand to tell them to their faces, that they were selfish and time-servers.

I come next to

*The humble Representation of the Council
General of the Company trading to
Africa and the Indies.*

Address from
the *African*
company.

FINDING by the fifteenth article of the treaty of union, agreed upon by the commissioners appointed by her majesty on behalf of *Scotland*, with these appointed likewise on behalf of *England*, that upon the payment of such a proportion of the equivalent therein mentioned, as will answer the principal stock advanced by us and our constituents, with interest thereof at 5 *per cent. per ann.* our company is to be dissolved, we think ourselves bound not to be silent on this occasion, and therefore, though it be not necessary to trouble your grace and right honourable the estates, with a recital

recital of the many valuable rights, powers, privileges and immunities granted, ratified and confirmed to and in favour of our company, by several successive acts of parliament, nor with a recapitulation of the many injuries and discouragements, which we have met with, and the just demands we have by the laws of nations for reparation of the great losses and damages which we sustained by means thereof, nor with a repetition of the several public assurances given, during the last and present reign of a hearty concurrence in repairing our losses and maintaining our rights; all these having been on former occasions fully represented to your grace and right honourable the estates; yet, as being matters of great concern to us and our constituents, we humbly crave leave, that this extraordinary juncture, to put you in mind thereof in general, and withal to make the following remarks upon that part of the said article which doth more immediately relate to the concerns of our company.

1. We humbly conceive that the sum proposed to be paid to us out of the said equivalent is not adequate to the great losses and damages already sustained by us, and to the taking away likewise

wife so many valuable privileges as we now enjoy, the benefit of which must accrue to the English *East-India* company.

2. It may be thought hard, that we should not be allowed the full interest of our money when in the computation of the equivalent all the interest is stated at six *per cent.* and the payment thereof yearly; whereas our interest is computed only at five *per cent.* though the most part of our stock has been advanced without any profit, upwards of ten years ago.

The 3rd and 4th articles, consisting chiefly of the security of being paid that sum, in case the company be dissolved, it is needless to insert them here.

5. We do not find, that any provision is made for the security or safe conduct of any persons, ships or effects belonging to our company, or to such other persons as do or may trade, by virtue of permissions already granted by the court of directions of our company, before the real dissolution thereof.

Lastly, it is humbly conceived, that the subsisting our company upon the same foot with the *East-India* and other trading companies in *England* is no way inconsistent with the trade of the united kingdom.

All which premisses being matters of great concern to us and our constituents, we do therefore in all humility, and with great earnestness recommend the same to the serious consideration of your grace and honourable estates of parliament.

Having dwelt so long on these addresses, it is time now to leave them, and turn our thoughts unto the parliament, only allow me once more to remark, that as the addresses are a sufficient indication of the nation's aversion to enter into this union, so they contain the reasons and motives that induced the several interests, persons and communities to it.

The parliament (as I have already narrated) having in a very superficial manner given the articles a reading, the court resolved now to do something to purpose; but before we enter upon their proceedings, let us remark, that during the first reading of the articles, the courtiers were not at the pains to solve the doubts, and answer the objections raised by the country party; so they continued the same method throughout the whole remaining part of the session, allowing the country party to argue some little time upon the matter under the houses consideration

ration, and then moving a vote upon it if it was objected that the affair was not sufficiently understood and ripe for a vote, the answer was, the house is best judge of that, and so proposed a vote whether they should proceed to vote the matter under debate or delay it, the first branch whereof being sure to carry, away they drove on by their majority of voices, carrying every thing after what manner they pleased; and to tell the truth of it, their designs would not abide the test, if canvassed upon, and therefore (modest gentlemen) chose rather to carry on their work by the power of numbers, than that of reason; and as this unprecedented method made their game more sure, by not exposing the weakness of their arguments, so likewise it proved a very expeditious way, which they much affected, their guilty consciences suggesting that all delays were dangerous: thus discovering, that though they did not value, yet they were conscious of the great prejudice which would arise to the nation from the measures they were then pursuing; which puts me in mind of what happened two years thereafter; when my Lady *Orkney* came to *Scotland*, the Earl of *Seld* speaking to her of the town of *Edinburgh* was pleased to say, she could make no judgment

ment of what *Edinburgh* was, for he could not, had he not seen it, have believed, that the effects of the union would have been so soon seen to its prejudice. Impudent or imprudent wretch ! Thus to acknowledge his own villainy ! It was a pity the nation should be altogether undone so soon, that there is no more mischief for him and his partizans to accomplish, and it will be as great a pity, if sooner or later, he and they be not as high erected on a gibbet as the honour and interest of the nation are by their means dejected : This being promised, my reader will not be surprized to find so great a work accomplished in so short a time, and serves to inform him, how fairly matters were managed ; sure I am, since the creation of the world, never was there so much partiality, disorder and folly in any meeting, that pretended to a legal establishment.

To return now to the parliament, on ^{Proceedings} the first of *November*, a motion was made, ^{of parliament.} that the house should proceed to the further and more particular consideration of the articles, against which a delay was proposed by the country party, till once the sentiments of the English parliament were known, they having once before rejected the terms of union, which the commissioners of both kingdoms had agreed to and the Scots parliament approved,

proved, and till the members had consulted their constituents, which was urged as more necessary now than formerly, when this motion was made, since the several shires and boroughs had already addressed, and many more were preparing to address and did shew an utter aversion to the union: But this delay being refused, the next recourse to postpone the ratification of any of the articles, was to begin at the security of the church, but that not doing either, the last of all was to urge the unreasonableness of agreeing to a union of the two kingdoms, till once they had gone through and found, that the terms thereof were for the interest of this kingdom, of which, being once persuaded all the rest would go glibly down: Besides, if they should in the first place agree to the union of the two kingdoms, subverting the monarchy and sinking the parliament (which was the contents of the first article) who knew but the royal assent might be given thereto, and the parliament be adjourned, and so the nation be united upon no terms, or at best upon such as *England* of themselves should condescend to give us afterwards, which was compared to a young maid's yielding upon a promise of marriage, which was seldom performed. There being so much reason in the motion, the courtiers knew not how

how to get over it, and the house generally inclined to it, by taking the terms of the union previously into consideration, before they approved of the union itself; but the lord register found a back door whereby to make their retreat, by presenting a resolve in these terms; 'That it be agreed, that the house in the first place proceed to take the first article of the treaty into consideration, with this proviso, That if all the other articles be not adjusted by the parliament, then the agreeing to and approving of the first article shall be of no effect.' Which after a long debate, being put to the vote was approved, and next day the consideration of the first article being resumed many learned discourses were made, proving to the conviction of all unbiaſſed persons (nay, of the courtiers themselves who did not, as I observed before, make any answers besides calling for a vote upon the question) that this and every scheme of an incorporating union was altogether inconsistent with the honour of this nation, and absolutely destructive to its interest and concerns both civil and religious, nay some affirmed, that this scheme would infallibly be a handle to any aspiring prince to undertake and accomplish the overthrow of the liberties of all *Britain*; since, if the parliament of *Scotland* could alter, or rather subvert its constitution

constitution, it afforded an argument, why the parliament of *Britain* might do the same, and that the representatives of this country, being reduced to a poor miserable condition, must and would hang upon and obey those who had the power of the purse, and having shewed so little regard for the support of their own constitution, it was not to be expected they would much regard that of any other. The Duke of *Hamilton* outdid himself in this pathological remonstrance :

‘ What, says he, shall we in half an hour
 ‘ yield what our forefathers maintained
 ‘ with their lives and fortunes for many
 ‘ ages ; are none of the descendants here
 ‘ of those worthy patriots who defended
 ‘ the liberty of their country against all
 ‘ invaders, who assisted the great King
 ‘ *Robert Bruce*, to restore the constitution
 ‘ and revenge the falsehood of *England*
 ‘ and usurpation of *Baliol* ? Where are
 ‘ the *Douglasses* and the *Campbells* ?
 ‘ Where are the peers ; where are the
 ‘ barons, once the bulwark of the nation ?
 ‘ Shall we yield up the sovereignty
 ‘ and independency of the nation, when
 ‘ we are commanded by those we represent,
 ‘ to preserve the same, and assured
 ‘ of their assistance to support us ?’

Thus and with a great deal more to this purpose, he endeavoured to rouse up the

the pristine courage of the Scots parliament, and draw tears from many of his auditors eyes, nay from some who were resolved, and actually did vote for the article, particularly the Lord *Tarfleton*, but all would not do, *quos Deus vult perdere, prius dementat*. The leopard may change his spots, and the Ethiopian his colour, but it is impossible, at least very rare, that any thing will alter a rebel and traitor; and accordingly a question being stated, approve the first article or not, it carried First article approved. in the affirmative by a plurality of 33 voices: But before the vote was stated, it was agreed, that the state of this and all other votes, and a list of the members as they voted upon the question, should, if demanded, be printed, that the nation might know who were for, and who against the union; and likewise the D. of *Athole* protested himself, for and all that should adhere to him, that an incorporating union of the crown and kingdom of *Scotland* with the crown and kingdom of *England*, and that both nations should be represented by one and the same parliament, as contained in the articles, is contrary to the honour, interest, fundamental laws and constitution of this kingdom, the birth-right of the peers, the right and privileges of the barons, and boroughs, and is contrary to the claim of right, property,

perty, and liberty of the subject, and third act of her majesty's parliament 1703, wherein it is declared high treason to quarrel, or endeavour by writing, malicious and advised speaking, or other open act or deed, to alter, or innovate the claim of right, or any article thereof, and his adherents, to renew their protestations against further proceedings in this matter, and to adjoin their reasons for the same; and that this be inserted in the minutes, and recorded in the books of parliament. And the Duke of *Hamilton*, Marquis of *Annandale*, Earl of *Errol*, Earl Marshal, Earls of *Wigton*, *Strathmore*, *Selkirk*, *Kincardine*, Viscounts of *Stormoul* and *Kilsyth*, Lords *Semple*, *Oliphant*, *Balmerino*, *Blantyre*, *Bargany*, *Belhaven*, *Colvil* and *Kinnard*, *George Lockhart* of *Carnwath*, Sir *James Foulis* of *Collington*, *Andrew Fletcher* of *Salton*, Sir *Robert Sinclair* of *Longformacus*, Sir *P. Home* of *Renton*, *J. Sinclaire* of *Steverfon*, *J. Sharp* of *Hoddom*, *Alexander Ferguson* of *Isle*, *J. Brisbane* of *Bishoptown*, *Will. Cockran* of *Kilmaronock*, Sir *Hugh Colquhune* of *Luss*, *J. Grahame* of *Bucklroy*, *J. Sharp* of *Houston*, Sir *Patrick Murray* of *Struan*, *J. More* of *Stonywood*, *D. Beaton* of *Balfour*, *J. Hope* of *Rankeiller*, *P. Lyon* of *Auchur-house*, *J. Carnegy* of *Phin-haven*, *D. Grahame* of *Fintrie*, *J. Ogilvy* of *Boyn*,

Boyn, and G. Mackenzie of Inchcou. Barons, A. Robertson, W. Stuart, A. Watson, A. Edgar, J. Black, J. Oswald, R. Johnson, A. Duff, F. Molison, William Scot, G. Smith, R. Scot, R. Reillie, J. Hutchinson, W. Sutherland, A. Sheilds, J. Lyone, G. Spence, W. Johnstoun, J. Carruthers, G. Home, J. Bain and R. Frazer Burrows did all adhere to this protestation.

But now I must not omit to remember, that just when the vote was to be called, the Marquis of Annandale offered a resolve in the following terms : Whereas it is evident, since the printing, publishing and considering the articles of treaty now before this house, this nation seems averse to this incorporating union in the terms now before us, as subversive of the sovereignty and fundamental constitution and claim of rights of this kingdom, and as threatening ruin to this church as by law established ; and since it is plain, that if an union were agreed to in these terms by this parliament, and accepted of by the parliament of *England*, it would in no sort answer the peaceable and friendly ends proposed by an union, but would on the contrary create such dismal distractions and animosities amongst ourselves, and such jealousies and mistakes between us and our neighbours, as would involve these nations into fatal breaches

breaches and confusions; therefore resolved that we are willing to enter into such an union with our neighbours of *England* as shall unite us entirely and after the most strict manner in all our and their interests of succession, wars, alliances and trade, reserving to us the sovereignty and independency of our crown and monarchy, and immunities of the kingdom, and the constitution and frame of the government both of church and state, as they stand now established by our fundamental constitution, our claim of right, and the laws following thereupon: Or if the house did not relish this resolve, he proposed another in these terms, continuing the same narrative as the former. Resolved, this house will proceed to settle the same succession with *England*, upon such conditions and regulations of government within ourselves as shall effectually secure the sovereignty and independency of this crown and kingdom and indissoluble society of the same, with the fundamental rights and constitutions of the government, both of church and state, as the same stands established by the claim of right, and other laws and statutes of this kingdom.

When my lord presented this resolve, he knew well enough the court would not go into it, and therefore did
not

not press it, in opposition to the article, lest it had been rejected and thrown out of doors : but having read it to the house, he enforced it with a few arguments, and moved it might lie upon the table, as a motion, his design being to let *England* see, that though this nation did not incline to enter into an incorporating union, in the terms of the articles, yet some advances had been made, which shewed a disposition of adjusting and agreeing matters with them; and we shall hereafter see, of what use this might have been, had measures been duly concerted, or after they were concerted, adhered to.

The first article of the union being now over, the house immediately took under consideration, an act for the further security of the kirk, which being ingrossed into the articles of union; it is to no purpose to transcribe it here; all I shall say of it, is, that many additional clauses for its better security were offered and rejected, being opposed by the Earl of *Marchmont*, the justice clerk and others, whose greatest glory was to have been zealous sufferers for the good old cause. These and the other courtiers being afraid to give the church of *England*, too much cause of jealousy, if greater and better terms were demanded for the church of *Scotland*, than the

Act for security of the church.

church of *England*; and though many of the well-meaning brethren were, or seemed satisfied with this act, yet it did by no means please these of more mettle and understanding; so that still the bulk of the ministry were piqued, though they bore it quietly, and made not so much noise as at the beginning.

The 2d article under consideration.

The house thereafter went upon the 2d article of the treaty (whereby the succession of the crown of *Scotland* was established as in *England*) upon which arose a hot debate: the country party insisting, that before the succession was settled, the limitation upon the crown of *England* ought to be taken previously under the houses consideration, that it might be known how they suited with the circumstances of this nation, and if any others were fit to be added. The courtiers would by no means allow of this, for now that they were in a fair way of carrying through the union, the fewer clogs upon the sovereign, so much the better for them, who esteemed themselves worthy of, and expected great marks of favour should be poured down upon them, which restrictions on the sovereign might have prevented. They argued, that the parliament of *Great-Britain* would be more competent judged of what was necessary for the united kingdoms than this house, and were clear

clear for leaving it wholly to them : but it was replied, that any limitations by the parliament were alterable by a subsequent parliament : but if the articles of union would be punctually observed during future ages (as was alleged by some) that not the least pin of them could or would be altered, without demolishing the whole structure, then it followed, that it was the general interest of all *Britain* to have such limitations as were necessary to be put upon the successors of the crown, inserted and stipulated in the articles : and as to what concerned *Scotland* in particular, the general objection against the whole scheme of an incorporating union, *viz.* That its representation could but act precariously in the parliament of *Great Britain*, was as put on this occasion as any other, while this subject was warmly debating, a motion was thrown in, that since the different sentiments of people were like to run so high, a short recess might be granted, to inform the queen of the present state and temper of the nation, in respect to the union, and beg her majesty, through her great wisdom would be pleased to consider upon ways and means to prevent the fatal consequences that might thereupon ensue. This, of all proposals was most disagreeable to

the courtiers, for they had heretofore been at great pains to conceal the true state and inclinations of the people from their friends in *England*, lest while they were engaged in a valiant war abroad, the fears of raising a civil one at home might divert them from prosecuting the union, which project had so exasperated the nation against them, that they knew they had lost all their interest, and if it miscarried, could not expect safety at home. For these reasons they all opposed this motion, and most eagerly demanded a vote upon the the article, not allowing the members to speak their thoughts, and give their arguments in behalf of the motion, but called out in a mobbish disorderly manner, a vote, a vote, which was at last stated and the article approved.

Approved.

Earl Marshal's protestation against it.

The Earl Marshal (in the terms of the act of security) protested that no person could be designed successor to the crown of this realm after the decease of her majesty and failing heirs of her body, who is successor to the crown of *England*, unless that in this or any ensuing parliament, during her majesty's reign, there be such conditions of government settled and enacted, as may secure the honour and sovereignty of this crown and kingdom, the

the freedom, frequency and power of parliaments, the religion, liberty and trade of this nation from English and foreign influence, and thereupon took instruments, and the adherers thereto were as follows; the Dukes of *Hamilton* and *Atbole*, the Earls of *Errols Wigton*, and *Strathmore*, the Viscounts of *Stormoul* and *Kylsytb*, the Lords *Salton*, *Sample*, *Oliphant*, *Balmerino*, *Blantyre*, *Bargeny*, *Cokvil*, and *Kynnard*: Of the Barons, *G. Lockhart* of *Carmwath*, *A. Fletcher* of *Salton*, *A. Ferguson* of *Isle*, *J. Brisbane* of *Bischopton*, *W. Cockran* of *Kilmeronack*, *J. Graham* of *Killearn*, *J. Graham* of *Bucklivy*, *R. Rollo* of *Powhouse*, *J. Murray* of *Strawn*, *J. More* of *Stonnywood*, *J. Hope* of *Rankeiller*, *P. Lyan* of *Auchterhouse*, *J. Carnegy* of *Phimbaven*, *D. Graham* of *Fintrie*, *J. Ogilvy* of *Boyne*, *J. Sinclair* of *Senister*, and *G. Mackenzy* of *Inchouter*. Of the burrows, *A. Edgar*, *J. Oswald*, *A. Duff*, *J. Melison*, *G. Smith*, *R. Scott*, *R. Kellie*, *J. Hutchison*, *A. Shields*, *J. Lyon*, *J. Carruthers*, *G. Home*, *J. Baine* and *R. Frazer*.

Then the 3d article (which appoints The 3d article under consideration. both kingdoms to be represented by one and the same parliament) falling under consideration, the country party did all that men could do to shew what instruction this alone, supposing there was no more, would bring infallibly upon

upon the nation: That it was equal for us to sink our own constitution, when the English would not allow the least alteration in theirs, which was an example to teach us how sacred all who value their liberty, esteem the smallest point in their fundamental constitution, and of how dangerous a consequence it is to allow the least alteration thereof: that it could not be expected that the small proportion which members of this kingdom (even supposing this whole house was transplanted) did bear to the members of *England*, could ever enable them to manage and carry affairs as to provide for the several cases that might exist in this part of the island, since they were to be incorporated with a set of men, who had every different interest amongst themselves and would certainly much less regard the circumstances of us, to whom all factions bear a natural antipathy: that in all nations and under every form of government, there were some things which could admit of no alteration by any power whatsoever, without which there could be no authority or durable establishment. These were called fundamentals, or (according to the modern phrase) the original contract, where

the constitution being rights and privileges of parliament, were the most valuable and considerable, that accordingly no parliament or power whatsoever could legally prohibit the meeting of parliaments in all time coming, or deprive any of the three estates of its right of sitting and voting in parliament, or give away, transfer or surrender the rights, powers and privileges of parliament; but by this treaty the parliament of *Scotland*, was entirely abrogated, the rights and privileges thereof surrendered, and those of *England* substituted in their place; that if the parliament of *Scotland* can alter or dispose of their fundamentals, the *British* parliament may do the same, and how then had we any security? That what was stipulated in the treaty, with respect either to the representation of *Scotland* in that parliament, or any other privileges and immunities granted to *Scotland* might and would be continued and performed; and how did we know but that for the utility of the united kingdom, these privileges and immunities might be rescinded by this almighty power of parliament, and the Scots members be declared useless and sent a packing home: that although the parliament had a power to make alterations of its fundamental

mental rights and constitution, yet the same could not be done without the consent of every member; for though the legislative power is indeed regulated by majority of voices, yet the rising or surrendering of the rights and privileges of the nation (which these of the parliament may be justly filed) was not subject to suffrage, being founded on dominion and property, and could not be legally done, without the consent of every member, who had a right to vote, nay, of every person who had the right to elect, and be represented in parliament: that the representatives of shires and boroughs were at least, but delegates, impowered to meet and make laws for the good of the people they represented, and for preserving their rights and privileges and supporting and maintaining the constitution of that government, by which their constituents were united into one body, and from whence their own authority to meet and act, was derived, and therefore they would not alienate the rights and privileges of their own constituents, without a particular warrant for that effect: but by this treaty the constitution of parliament in general was not only wholly altered, or rather surrendered, but the barons and boroughs did suffer

suffer in their particular rights and privileges, for supporting the 22d article (which restricted the quota of the peers, barons and boroughs that were to sit in the parliament, to a certain number) should be rejected; yet nevertheless the barons and boroughs were forfeited of their judicative capacity, to which they had an undoubted right and title, as ancient as the origin of this kingdom and parliament, and of which they could not deprive their constituents without their own consent and allowance: further the barons urged, that though for their own conveniency they consented to the settling a certain number to represent and act in their names in parliament, yet they had as good a right to sit and vote and advise their sovereign, when they pleased to reassume the same as the peers, of which this and the twenty-second article deprived them. It was represented that the members being obliged to reside so long in *London* attending the parliaments, was of itself sufficient to drain and exhaust the whole species of money in the nation. These, I say, and many other arguments were insisted on to shew the dishonour, inequality and prejudice that would arise to the nation, from this article, but all to no purpose: the courtiers

Marquis of
Annandale's
protestation
against it.

tiers had ears and would not hear, hearts and would not understand, nay, mouths and would not speak; few or no answers to be made, but a vote required, whereby the sense of the house was to be known and the matter determined; and thus they drove furiously on to approve the article: but before voting the Marquis of *Annandale* entered the following protestation upon the foot, and in consequence of his motion mentioned in the 255 page and bearing the same narrative.

Whereas it does evidently appear, since the printing, publishing and considering of the articles of the treaty before this house, this nation seems generally averse to this incorporating union in the terms now before us, as subversive of the sovereignty, fundamental constitution and claim of right of this kingdom, and as threatening ruin to this church, as by law established, and since it is plain, that if an union were agreed to in these terms by this parliament, and accepted by the parliament of *England*, it would in no sort answer the peaceable and friendly ends proposed by an union, but would on the contrary create dismal distractions and animosities amongst ourselves, and such jealousies and mistakes betwixt us and our neighbours,

neighbours, as would involve these nations into fatal breaches and confusions, therefore I do protest for myself, and in name of all those that will adhere to this my protestation, that an incorporating union of the crown and kingdom of *Scotland* with the crown and kingdom of *England*, that both nations shall be represented by one and the same parliament, as contained in the articles of the treaty of union is contrary to the honour, interest, fundamental laws and constitution of this kingdom, is a giving up of the sovereignty, the birth-right of the barons and boroughs, and is contrary to the 3d act of her majesty's parliament, 1703, as also that the subjects of this kingdom by surrendering the sovereignty and parliaments are deprived of all security, both with respect to such rights as are by the intended treaty stipulated and agreed, and in respect of such other rights, both ecclesiastical and civil, as are by the same treaty pretended to be reserved to them, and therefore I do protest, that this shall not prejudice the being of future *Scots* parliaments and conventions within the kingdom of *Scotland* at no time coming. To which the Dukes of *Hamilton* and *Atbole*, the Earl of *Errol*, Earl *Marshal*, Earls of *Strath-*

more

more and Selkirk, the Lords Salton, Sample, Oliphant, Balmerino, Blantyre, Bargany, Belhaven, Colvil and Kinnard, G. Lockhart of Cornwath, Sir J. Foulis of Collington, Sir J. Lauder of Fountainhall, A. Fletcher of Salton, Sir Robert Sinclair of Longformacus. A. Ferguson of Isle, J. Brisbane of Bishopton, W. Cockran of Kilmaronack, J. Graham of Bucklivy, K. Rollo of Powhouse, J. Murray of Struan, J. More of Stonnywood, J. Forbes of Colledon, D. Beaton of Balfour, H. Balfour of Dumbrog, J. Hope of Rankeiller, P. Lyon of Auchterhouse, J. Carnegie of Pinhaven, D. Graham of Fintree, J. Ogilvy of Boyn, A. Makenzie of Palgowan, and G. Mackenzie of Inchpultar, barons; A. Robertson, W. Stuart, A. Watson, A. Edgar, J. Oswald, F. Molison, R. Kellie, R. Scot, J. Hutchison, A. Shields, J. Lyon, J. Carruthers, G. Home, J. Bayne and R. Frazer Burrows did all adhere.

These three preceding articles (which comprehended the uniting the two kingdoms, the succession of the two crowns, and representation of both kingdoms by one and the same parliament) being thus approved, the other articles of the treaty fell under consideration, which did settle and regulate the taxes, trade and method of dispensing justice in this part of the island,

with

with regard to the different civil laws, forms and constitutions of the two nations; but so many books and pamphlets were published, and have been collected and read on these subjects by people of all ranks and persuasions, that I may refer the reader to the articles of the union, where they are all collected, and forbear resuming the several arguments that were *hinc inde* alleged and adduced. It is sufficient to observe, that the parliament would not regard the intolerable burthen they laid upon the nation, by subjecting it to the same taxes as in *England* (a few inconsiderable ones already imposed in *England*, being only provided against) but no care taken of what might and will come upon it. Though it was made evidently appear to the conviction of all that had the least concern for their country, that *Scotland* never was, nor ever would be in a condition to bear them both, because of the height and extensiveness, and likewise the nature of them; there being many species of trade and domestic commodities, which, although indifferent with relation to the interest of *England*, yet were absolutely necessary to *Scotland*, such as salt, foreign and domestic, the last whereof the *Scots* proportionably make greater use

use of, than in *England*, and the other was necessary for their fishing; but by taxing it, the *Dutch*, who have no duty upon salt, can and will easily undersell them. It is true, indeed, a drawback was allowed for such fish, beef and pork cured with foreign salt, as should be exported; but it had been much better there had been no duty at all upon the foreign salt. The high duties likewise upon tar, iron, lintseed, timber, &c. (part of which the *English* stand not so much in need of as the *Scots*, or are provided with them at home) were downright ruin to *Scotland*; and the opening of a door, for importing *English* cloths and other goods, and the prohibition of exporting *Scots* wool, did all stand in a direct opposition to *Scotland's* welfare. In short, it was obvious that by these taxes, customs and prohibitions, the nation parted with its own certain little, (but improveable) trade, upon the imaginary view of another, which many asserted never would answer the pretended expectations: and as to the laws and dispensing of justice in the nation, all was lodged to be cut and carried upon, in the hands of the *British* parliament, in which only a small insignificant number could know or have any regard for the *Scots* constitutions and circumstances; so that the

the college of justice, and other heritable jurisdictions did all, notwithstanding the provisions made for them, stand for the future upon a very precarious footing, all being expressly provided to be under the regulations of, or alterable by the *British* parliament, when the utility of *Great Britain* required it, which is a handle to be made use of upon any occasion, or for any design. The example of the fate of *Wales* and *Ireland* were often mentioned, and many other instances illustrated, to shew the inevitable confusion and destruction that must consequently follow : but all to no purpose, for though such as undertook and promoted the scheme of uniting the two kingdom, pretended to see what none else saw, and not to see what every body else saw, and thus sold and betrayed the sovereignty, liberty, trade, wealth, and every thing that is esteemed dear and sacred by a free people, to be managed and disposed of by a people generous to none, and avowed enemies to our country ; there was nothing alleged, or could be alleged as an argument to disprove the hardship and unreasonableness of *Scotsmen's* engaging to subject themselves to these burthens, which were appropriated for payment of *England's* debts, contracted

tracted before the union, save the sum of money advanced by *England*, which was called the equivalent, because it amounted to 398085*l.* sterling, the sum computed to equal what *Scotland*, by being subjected to those taxes which were appropriated for payment of *England's* debts, would by its customs and excise contribute thereto; but if *Scotland* was to have had an equivalent, for what she lost by the union, at least such particulars as redounded to *England's* advantage, where was the equivalent for her sovereignty, the removal of her parliaments and seat of government, which kept the great ones and consequently the money at home, was it the communication of trade? No; so far otherways, that this very particular (when restricted to the regulations of *England*) was of itself sufficient enough to ruin *Scotland*, being opposite to her interest in all points, excepting the liberty of trading to the plantations, and even that was said to be but precarious, and only as interlopers, the *East* and *West India* companies monopolizing the same. And where was the equivalent for the dissolution of the *Scots African* companies? Was there any reparation made for the barbarous treatment *Scotland* received from the neighbours of *England*,
and

and lives of her people, and the prospect of a fair and profitable colony, of which they were the principle cause? It is true indeed, part of the equivalent was appropriated for paying the several sums of money that had been advanced by the subjects of this nation, for carrying on that great work with 5 *per cent.* of interest; but no thanks to *England* for that, for *Scotsmen* by this means purchased their own company themselves, and made a present of it to the *English East and West India* companies, since the fund from whence this sum had its rise did flow from *Scotland*; and that trade was monopolized by these two companies: But the truth of the matter lies here, a sum of money was necessary to be distributed amongst the *Scots*; and this distribution of it amongst the proprietors of the *African* company, was the cleanliest way of bribing a nation, to undo themselves; and alas! it had the designed effect.

Having traced the parliament so far, State of the country. let us now turn our thoughts again upon the temper and behaviour of the people of this nation, and there we shall find every body enraged and displeased, especially the commons who exclaimed against these of greater rank, that they gave them not encouragement enough to come into *Edinburgh* in a body to raise the parliament.

Mob in *Glasgow*.

The first that made any formal appearance was the town of *Glasgow*, the provost and town council, opposing the subscribing of an address to the parliament against the union, great numbers betook themselves to arms, drove the magistrates out of town, insulted every body that they thought favoured, or was so much as lukewarm in disclaiming the union, mounted guards, and rambled about for two or three days together; but a strong detachment of dragoons being commanded thither, surprised two of the chief leaders, *Findlay* and *Montgomery*, (both mean artificers) brought them prisoners to *Edinburgh* castle, and the mob soon thereafter dwindled into nothing. About the same time, the shires of *Dumfries*, *Kircudbright*, *Galloway*, *Air*, and *Clyde*, were all ready and keen to take up arms, and a considerable number near to two or three thousand of the commoners came in arms to the town of *Dumfries*, where they publicly burned the articles of the union, and affixed upon the Cross a paper entituled, *an account of burning the articles of union at Dumfries*; wherein they at large gave their reasons of protesting against this union; and because from this paper we may make an estimate of the opinion the inferior rank of people had of the union, and thereby see it was

Articles burnt
at *Dumfries*.

no ways such as has been industriously represented, I shall insert it word for word as it was affixed on the Cross, and is as follows :

These are to notify to all concerned, ^{Protestation} what are our reasons for, and designs in ^{against the} burning the printed articles of the proposed union with *England*, with the names of the Scots commissioners, subscribers of the same ; together with the minutes of the whole treaty, betwixt them and the *English* commissioners there anent.

We have herein no design against her majesty, nor against *England*, nor any *Englishman*, neither against our present parliament in their acts or actings for the interest, safety and sovereignty of this our native ancient nation, but to testify our dissent from discontent, with a protestation against the twenty-five articles of the said union, subscribed by the foresaid commissioners, as being non-consistent with, and altogether prejudicial to, and utterly destructive of this nation's independency, crown-rights, and our constitute laws, both sacred and civil ; we shall not here condescend upon the particular prejudices that do and will redound to this nation, if the said union should be carried on according to the printed articles, but refer the reader to the variety of addresses given into the present parliament

ament by all ranks from almost all corners of this nation against the said union ; only we must say and profess, that the commissioners for this nation have been either simple, ignorant, or treacherous, if not all three, when the minutes of the treaty betwixt the commissioners of both kingdoms are duly considered, and when we compare their dastardly yieldings unto the demands and proposalls of the *English* commissioners, who on the contrary have valiantly acquitted themselves for the interest and safety of their country ; we acknowledge it is in the power of this present parliament, to give remissions to the subscribers of the aforesaid articles, and we heartily wish for a good agreement among all the members of the parliament, so as it may tend to the safety and preservation both of church and state, with all the privileges belonging thereto, within the kingdom of *Scotland* ; but if the subscribers of the foresaid treaty of union, with their associates in parliament, shall presume to carry on the said union by a supreme power over the generality of this nation, then, and in that case, as we judge that the consent of the generality of the same can only divest them of their sacred and civil liberties, purchased and maintained by our ancestors with their blood ; so we protest that whatever ratification

fication of the foresaid union may pass in parliament, contrary to our fundamental laws, liberties and privileges concerning church and state, may not be binding upon the nation now, nor at any time to come; and particularly we protest against the approbation of the first article of the said union, before the privileges of this nation, contained in the other articles, had been adjusted and secured, and so we earnestly require, that the representatives in parliament, who are for our nation's privileges, would give timeous warning to all the corners of this kingdom, that we and all our posterity become not tributary and bond-slaves to our neighbours, without acquitting ourselves as becomes men and christians. And we are confident that the soldiers now in martial power, have so much of the spirits of *Scotsmen*, that they are not ambitious to be disposed of at the pleasure of another nation; and we hereby declare we have no design against them in the matter.

Whoever is at the pains to consider this paper, may easily discern that it is of a rustick composition; but yet it evidently shews what a regard those people had for the sovereignty of the nation, and that they were willing to lay aside their private differences, and join for the common interest thereof.

There

There were none appeared with so much zeal against the union, as the western shires, where a vast number of people, and chiefly the *Cameronians*, were willing to have ventured their all against it; and for this purpose they had several meetings among the ringleaders of them; divided themselves into regiments; chose their officers; provided themselves with horses and arms, mentioned the restoration of the King as the most feasible grounds to go upon to save their country; were so far reconciled to the northern parts, (whom formerly they hated heartily upon account of their different principles of religion) and episcopal party, that they were willing to join and concert measures with them for the defence of their common native country, and had appointed correspondents in all places, from whom, and to whom, they might receive and give intelligence; sent their emissaries throughout all the kingdom to strengthen and encourage their party, and such as would join in defence of their country, particularly dispatching some on whom they did most rely, to try the pulses of those members of parliament who were against the union. There was one *Cunninghame* of *Eckatt*, who had been very instrumental in promoting the late revolution; but upon the late peace of *Reswick*, the regiment whereof he

he was major being broke, he went to *Darien*, and after the fatal ruin of that enterprize, returning to *Scotland*, he lived privately at his country house, in none of the best conditions ; he had often applied for a post, but notwithstanding of the levies that were made after the war broke out again, could never obtain so much favour as to be provided for in the army, which he and every body believed to proceed from his being faithful in the discharging of the trusts the company placed in him when he went to *Darien* ; for thus did they treat all that were not inclined to betray this, and every other project that tended towards *Scotland's* advantage. This gentleman being a little disgusted at this treatment, and taking the ruin of his country mightily to heart, was soon known to these western negotiations, and (being altogether of the presbyterian principles) entirely trusted by them. I know there are many do think that he was a creature of the courtiers, and employed by them as a spy ; because about this time, he was often with some of the leading men of the court, and had, since the commencement of the union, a company of foot bestowed on him : But in my opinion he was sincere, and for his being often at court, that he told his friends in the mean time, he was obliged to do, because

cause he understood they suspected him, and if he got this employment, it has been by some interest that I cannot discover; but whether he was sincere or not in his heart, is what I cannot determine, but sure I am by his actions it appeared he was, and he brought matters to such a consistency, that provided concerted measures had been kept, he had raised the parliament with a vengeance. But to go on with the story; this gentleman being well acquainted with Mr. *Brisbane* of *Bishopton*, discovered to him his earnest desire of doing something on this occasion to save his perishing country, and signalize himself; and told him, that he was sure that he could ingratiate himself with the western shires, and be able to persuade them to rise in arms and march under his command to *Edinburgh*, he having thoroughly discoursed with the negotiates, and found them of opinion (to which he likewise agreed) that there was no way to save the nation, but first by raising the parliament, and then declaring for King *James*. Mr. *Brisbane* having communicated what he had thus learned to Mr. *Cockran* of *Kilmaronock*, and Mr. *Lockhart* of *Carnwath*, they desired him to encourage *Cunninghame* to persevere in his design, whereupon he resolved to make a progress through the western

western shires to sound the people himself, and prepare them to draw together upon a proper occasion ; for which cause the advanced him fifty guineas, and gave him assurance, if any misfortune befel him, his wife and children should be taken care of and provided for, which was all he demanded as a recompence at that time ; but before he went off, he was desirous to know what part the two Dukes of *Hamilton* and *Athole* would bear, if he should meet with opposition, either before or after he had raised the parliament, particularly if, as he marched towards *Edinburgh* from the *west*, the Duke of *Athole* would cause his highlanders to secure the pass of *Stirling*, and so open a passage for, and communication with the *northern* parts. Mr. *Cockran* was sent to acquaint the Duke of *Hamilton* ; and Mr. *Lockhart* told Mr. *Murray* of *Showen*, and the Duke of *Athole* of all that had passed, and what Mr. *Cunninghame* desired ; the former appeared somewhat shy in making any promise and engaging, but seemed to approve the measure, and insinuated he would do every thing that an honest man could desire ; the other frankly undertook what was demanded, and seemed very keen to have the project executed ; of which Mr. *Cunninghame* being informed, thus fraughted and instructed, away he went

went for *Edinburgh* into the country, and having soon obtained and gained entire credit with the ringleaders, the first discovery he made, was, that the court fearing a storm from hence, had gained over Mr. *Hepburn*, a mountain *Cameronian* minister, and the darling of the people, to their side, and he served them as a spy, and though he roared as much as any against the union, did nevertheless oppose all their measures of appearing openly against it, and *Cunninghame* having acquainted several, particularly Mr. *Mc'Millan* (another *Cameronian* minister, and was sincere in his opposition to the union) of *Hepburn's* villany, they soon withdrew the people from *Hepburn*, and *Mc'Millan* became the leading man and oracle. Mr. *Cunninghame* having traversed through the country, and finding all as he wished, concerted that all should be ready to rise in arms at the first call, and that he should have the chief command of them, until they met with such other parts of the kingdom as should join for the preservation of their common liberties, and that some person of most eminent quality and capacity should be pitched upon to command all. After this he returned to *Edinburgh*, and having acquainted his three friends with his successful negotiations, they communicated

municated it to such as they thought proper, to some particularly, all that had passed and was concerted, and to others only in general terms, that something would be done very soon: by this time the parliament had advanced far, and approved several of the articles; and as it was plain, such a desperate disease required a desperate remedy, Mr. *Cunninghame* goes again to the country with a design to put his formed enterprize in execution; and having dispatched his emissaries, and appointed the precise day wherein they should all privately march and meet at the town of *Hamilton*, in order to march forwards with all speed to *Edinburgh*, above seven or eight thousand men well armed (all with guns and swords, five or six hundred with bayonets for the muzzles of their guns, and twice as many of them on horseback) were just upon the wing, and would without doubt have kept the *Tryst*, had not the Duke of *Hamilton*, a day or two before the prefixed time of their rendezvous, sent expresses privately (without acquainting any of those who he knew were conscious of the concert) through the whole country, strictly requiring them to put off their design at this time; and his grace being entirely trusted, by these means

Broke by the
 Duke of *Hamilton*.

so

Reflections
thereon.

so thwarted and broke the measure, that not above five hundred, who were more forward than others, came to the place appointed; Mr. *Cunninghame* returning soon to *Edinburgh*, gave a full account of all he had done, and by what means he was disappointed, which at once both baulked and surprised a great many honest men; and some indistinct accounts of this preparation, and other rendezvouses coming to the government's ears, the parliament repeated that clause of the act of security which allowed and ordained rendezvouses of the fencible men. What induced the Duke of *Hamilton* to this measure, I shall not determine, some swore he was under capitulation with the court; others will tell you, he was afraid to venture, because of his estate in *England*: all I ever heard alleged on his behalf was, that he thought the nation was by no means in a state fit for such an enterprize at that time, because the *English* had sent their troops to the borders, and more forces would be wasted over from *Holland*, and so the nation be undone, and all that joined cut in pieces; but others said, that by this argument all opposition to the union was in vain, for if the *English* had a mind for it, why it must be swallowed down:

down : but even supposing it were so, his grace ought to have advertised his friends of it, before he had counteracted what had been contrived by them. Others again maintained, there was no such hazard in the attempt, because *England* being engaged in a bloody war, would have dropped the union rather than draw on themselves a civil war, but supposing it otherwise, they thought *Scotland* might have defended themselves for some time, till *France* had counteracted the troops that were to come from abroad, especially since the nation was unanimous and cordial in the cause, and not 7000 standing forces in all *Britain*, of which these that were in *Scotland* were so dissatisfied with the union, that every body knew, and the officers had acquainted the government, that they could not be trusted, nine parts of ten being inclined to join with those that opposed it. But to pass over these things, this I may assert, that had not the Duke of *Hamilton* taken this course, the parliament had been at once sent a packing, and the projected union demolished, in which case all these that had appeared most forward for it would have fled, having horses laid, and always ready to carry them off from the danger they had reason to dread, and justly deserved.

The

A design of
making a per-
sonal applica-
tion to the
commissioners
by the barons
of the king-
dom to lay a-
side the union.

The preceding project being thus broke, the next measure the country party in parliament thought upon, was (according to the precedent in the minority of *James* the Vth,) to invite as many of the barons, freeholders, and heretors, as could possibly be got to *Edinburgh*, that they might in a body wait upon the high commissioners, and by a prolocutor intreat his grace to lay aside the designed union, at least grant a recess until they had informed the queen of the present temper and disposition of the nation, and obtained an order for calling a new parliament to settle and provide for the calamities that were too likely to follow; and they resolved, whether his grace granted or refused this just and reasonable demand, that a national address representing the same things, should be signed, and sent forthwith to the queen. This measure came first from the Duke of *Argyle*, and Mr. *Fletcher of Salton*, and was relished and recommended by the Duke of *Hamilton*, and generally approved of by every body; so that all hands were set to work to acquaint their friends in the country of the design, and desire them to come privately to *Edinburgh* against a certain prefixed day. In the mean time, Mr.

Henry

Henry Maul (brother to the Earl of *Panmure*, a person of great honour and merit, and every way fit for such a talk) was pitched upon to be the prolocutor, and the form of an address to the queen concerted and agreed to by all who were upon the concert of carrying on the project, in the following terms.

WE noblemen, barons, gentlemen, burgesses, and other subscribers, your majesty's most dutiful subjects of this your ancient kingdom, do beg leave to lay before your majesty, our deep concern and sorrow, and inexpressible regret, that your majesty seems to have been prevailed upon by misrepresentations which have been made to you of the nature of an incorporating union, so far to favour the articles of the treaty now before the parliament, that your signification of your approbation of them, is like to bring that affair to a conclusion, which will not only be highly dishonourable to this nation, by the suppressing of the sovereignty and parliaments, but sink the rents, destroy the trade, and subject the people of this kingdom to intolerable taxes; and considering the almost universal aversion to this treaty, is more likely to be the occasion of separating these

Address upon
the same to
the queen.

these kingdoms for ever, than of uniting them in affections. We do further take leave, with all imaginable respect, to represent to your majesty, that an union so little founded in the affections of the people, and which consequently must be maintained by force, may be very dangerous to the liberty of *Britain*; for though we have nothing to apprehend from your majesty's just and benign government; yet a designing prince may easily make use of that force which awes one end of this island, to subdue the other, and so enslave the whole; though to obviate such a design, we hear there are many who make no bones of proposing to dissipate and destroy the people of this nation in a few years. Therefore in order to prevent such a chain of miseries as is like to be the consequence of a forced union, we your majesty's most dutiful and loyal subjects make our most humble supplication to your majesty, that in consideration of these things, you would be pleased graciously to yield to the most earnest prayers of your loving subjects in this your kingdom, by discountenancing this treaty, and calling a new parliament in this your ancient kingdom according to our claim of right, by which we are intitled to frequent parliaments, and likewise

wife a general assembly of the church of this kingdom, and we shall always pray for your majesty's long and happy reign over us.

Against the time appointed, above five hundred gentlemen were come actually to *Edinburgh*, and many more a coming; but just as the business was ripe, and the next day appointed for execution, the Duke of *Hamilton* acquainted those in concert with him, that unless they would add a clause to the address, intimating their willingness to settle the succession in the house of *Hanover*, he would by no means be concerned in the measure; alleging that without it, the *English* tories, who it was expected would oppose the union in the *English* parliament, could have no foundation to go upon. You may easily imagine it was no small surprise, after all things had been adjusted, even to his grace's satisfaction, to find this objection thrown in the way, and it was generally believed that it was done on purpose to break the design, since his grace, and every other body could not be ignorant, that the greatest part of these gentlemen who were come to town to forward this matter, would never condescend to such a

Broke by the
Duke of
Hamilton.

clause: Besides it was to no purpose, since the petitory part of the address itself, was the calling of a new parliament, whose province it was to take this affair under consideration.

Whilst two or three days were spent in endeavouring to reconcile and adjust this difference, the country gentlemen grew weary of hanging on to no purpose in *Edinburgh*, so many of them dropt off and went away to their country seats, (and the government confounded to see such numbers in the streets,) coming to understand the design, resolved to obstruct it, and for that end, the chancellor on the 27th of *December* acquainted the house, that notice had been sent to the commissioners, that several letters had been sent and dispersed through the country, inviting persons of all ranks to come to *Edinburgh* and demand an answer from the parliament to their addressees; but such meetings might occasion disorders and trouble, for which cause he presented a proclamation, discharging any such meetings and gathering together during the sitting of parliament, which was approved of, but protested against by *George Lockhart* of *Carnwath*, in the following terms:

I do

' I do protest for myself and all that
 ' shall adhere to this my protestation,
 ' that this proclamation now to be
 ' emitted, discharging the barons,
 ' freeholders, and heretors, from com-
 ' ing to *Edinburgh* in time of sitting of
 ' parliament, shall no ways prejudice
 ' the rights and privileges of the ba-
 ' rons, freeholders, and heretors of
 ' this kingdom, competent to them
 ' by the laws of this nation, and took
 ' instruments thereupon, to which the
 ' adherers were the Dukes of *Hamil-*
 ' *ton*, and *Atbole*; the Earls of *Errol*,
 ' the Earl Marshal, the Earls of *Wig-*
 ' *town*, and *Selkirk*; the Viscounts of
 ' *Stormont*, and *Kilsyth*; the Lords *Oli-*
 ' *phant*, *Balmerino*, *Blantyr*, *Bargeny*,
 ' *Belhaven*, *Colvil*, and *Kinniard*, Sir *J.*
 ' *Foulis*, of *Collingtown*, Sir *J. Lander*
 ' of *Fountain-Hall*, *A. Fletcher* of *Sal-*
 ' *ton*, Sir *P. Home* of *Kenton*, *J. Brisban*
 ' of *Bishopton*, *W. Cockran* of *Kilmaro-*
 ' *nock*, *J. Graham* of *Bucklivy*, *R. Rollo*,
 ' of *Powhouse*, Sir *Pat. Murray* of *Auch-*
 ' *tertyre*, *J. Murray* of *Strowan*, *A. Gor-*
 ' *don* of *Pitlurg*, *J. Forbes* of *Collodon*,
 ' *Dr. Bethune* of *Balfour*, *H. Balfour*
 ' of *Dunboig*, *J. Hope* of *Rankeillier*,
 ' *P. Lyen*, of *Stukerhouse*, *J. Carnegy* of
 ' *Phinhaven*, *Dr. Graham* of *Phintree*,
 ' *J. Ogilvy* of *Boyn*, *A Meghy* of *Pal-*
 ' *gowan*,

Protestation
 thereon by
Geo. Lockhart
 of *Carnwath*.

‘gowan, J. Sinclair of Stempster, and
 ‘George Mac Kenzie of Inchoulter, Barons; A. Watson, F. Molison, J.
 ‘Lyon, Sir R. Anstrutha, Harruthers,
 ‘G. Hume, and J. Baine, Burrows.

The letters to which the chancellor in his discourse referred, were writ by Hay or Craignethon sheriff, dependant under the Dukes of Hamilton in the shire of Clydsdale, to most of the heretors in that shire, (and a copy of one of them brought to the commissioner by one Cunningbham of Haperfield) in the same terms as the chancellor asserted; and truly I must acknowledge, both the stile and method of giving this advertisement were very improper.

Other people upon the concert took other ways, privately to advertise their friends without running the hazard of thus exposing and discovering the whole design, and that too in such a strange stile.

But many adding this piece of management to the Duke of Hamilton's conduct in relation to the address, concluded it was done on purpose to elude the project; but be that as it will, the foresaid bone that was thrown in the addresses

addresses teeth, and this publication of these letters, rendered the whole of no effect.

A guilty conscience is a strange thing, and still discovers itself; for the government not sufficiently secured by this proclamation, gave orders to the officers of the guards, if they saw any considerable number of gentlemen approaching the abbey of *Balywood* house, to stop them and deny them access; but they might have spared their pains, for the discord that on this point arose betwixt the two Dukes of *Hamilton* and *Arbole*, who were after this so jealous and out of humour with one another, disconcerted all, and the measure was entirely dropt; the country gentlemen returning home highly enraged at their being thus balked, and exclaiming as highly against these whom they believed the chief instruments thereof.

During the time that the country had been thus, though to no purpose, employed in endeavouring to obstruct the designed union, the parliament went fast through the articles, and being advanced to the 22nd article, (wherein the quota of *Scotland's* representatives

A design of protesting against the further procedure of the parliament.

sentatives in the *British* parliament was adjusted) there was no more time to be lost; whereupon the Duke of *Hamilton* convened a good number of the most leading men of those who had opposed the union, pathetically exhorting them not to look backwards upon what might be thought done amiss by any, but to go on forwards now at the last hour to do something to save the nation, just come to the brink of ruin.

To which, after all present had declared their chearful concurrence, tho' the consequences should be never so fatal, his grace did propose, that the Marquis of *Annandale*, should renew his motion of proceeding to settle the succession of the crown on the house of *Hanover*, and as it was not to be questioned but the same would be rejected, that a protestation should be entered and adhered to by all that were against the union, who should in a body together, immediately thereafter, make a separation from the other members, by leaving the house not to return again.

Which being done, that the national address that was concerted when
the

the barons were to have waited on the commissioners, should be forthwith signed by as many hands as possible, and dispatched to the queen : He told them he was persuaded, that if any thing would weigh with the *English*, and prevail upon them to let the union drop, it was this measure ; for they might remember, the last treaty of union which was authorized by the rump parliament 1702, came to no effect ; and one chief reason was, that the *English* ministry thought they had no security in treating or agreeing with commissioners, who derived their power from a parliament, against whose proceedings and actings, so many, and so considerable numbers had protested ; and concluded, that this separation upon the back of so bold a protestation, would startle the *English* more than any thing besides, and convince them that the union would not be founded upon a secure and legal basis, a back door being left open to evade the same, whenever a fair occasion should offer ; then his grace offered the draught of the protestation.

I know the Marquis of *Arbole* put it in his hands ; but whether his lordship, or some other person was the author

thor of it is more than as I can tell, only I was informed, but I cannot affirm it is a truth, that it was drawn by Sir *James Stuart* the queen's advocate, who though he could not be persuaded to speak and declare his mind against the union in the parliaments; yet was heartily averse to it, and as soon as it became under serious consideration, deserted the house, and could not be prevailed upon either, by the threats, or cajoling of the court, to return and assist them in promoting it: But be the author who he will, the paper well deserves to be inserted at large; and was as follows:

Draught of
the pretend-
ed protesta-
tion.

‘ Whereas the peace and safety of
‘ mankind, and the security of all well
‘ established nations, and their govern-
‘ ments civil and ecclesiastical, do chief-
‘ ly depend upon the careful and reli-
‘ gious preservation of those original,
‘ fundamental, and indissoluble con-
‘ stitutions, by which men are joined
‘ in societies amongst themselves, these
‘ fundamental constitutions can ne-
‘ ver be sheltered from the precari-
‘ ous vicissitudes, and insults of facti-
‘ ons, unless they are placed above the
‘ reach of the ordinary course of ad-
‘ ministration and legislature; and
‘ whereas

' whereas it does evidently appear by
 ' the ancient constitution and practice
 ' of this kingdom, that though our
 ' parliaments are impowered to enact
 ' all manner of laws for the security of
 ' the constitution ; yet they were never
 ' impowered, nor never did attempt to
 ' lessen or invert the privilege which
 ' the peers have of sitting and voting
 ' in parliament, which privilege is a
 ' part of their property, and cannot be
 ' touched without impeachment and
 ' forfaultrie.

' Neither have the parliament been
 ' impowered, nor have they ever at-
 ' tempted to lessen the number of
 ' representatives of the barons or
 ' boroughs, seeing no representative
 ' can lessen or alienate the power by
 ' which they represent, without ex-
 ' perts power and warrant for that
 ' effect from the constituent.

' Neither have our parliaments ever
 ' been impowered, nor have they at
 ' any

‘ any time attempted to lessen or
 ‘ transfer the power and authority of
 ‘ parliament; and whereas it appears
 ‘ by the same ancient constitution and
 ‘ practice, that whenever any extra-
 ‘ ordinary juncture did occur, or any
 ‘ incroachment was made upon our
 ‘ fundamental laws and constitution,
 ‘ or that any extraordinary remedy or
 ‘ innovation was found necessary,
 ‘ there was always a convention of
 ‘ estates called upon such an extraor-
 ‘ dinary juncture, as being a repre-
 ‘ sentative cloathed with a more than
 ‘ ordinary power, and instructed with
 ‘ a more immediate sense of the na-
 ‘ tion. And whereas many noble and
 ‘ worthy members of this house, and
 ‘ the subjects of this nation of all ranks
 ‘ and qualities have generally shown
 ‘ an utter aversion to any such union,
 ‘ as is contained in the articles of
 ‘ union now lying before the house,
 ‘ as appears by several protests entered
 ‘ in this house upon the fourth,
 ‘ twelfth, fifteenth, and eighteenth
 ‘ days

days

‘ I do

' I do therefore, for myself, and in
 ' the name of all those who shall ad-
 ' here to this my protestation, pro-
 ' test against this union in the terms
 ' of these articles now before this
 ' house, as manifestly tending to sub-
 ' vert that original, fundamental and
 ' indissoluble constitution, by which
 ' the people of this ancient kingdom
 ' are joined together in a society amongst
 ' themselves, and tending thereby to
 ' divest our establishment, civil and
 ' ecclesiastical of all manner of secu-
 ' rity, as tending to lessen and forfeit
 ' the right of the peers of this nation
 ' without crime or impeachment, by
 ' inverting their proper rights of a
 ' constant share in the legislature to
 ' a precarious right; as tending to
 ' expose the whole right and property
 ' of the nation to be forfeited and tak-
 ' en away, upon pretext of bettering
 ' the condition of the nation; which
 ' precedent might be of dangerous con-
 ' sequence, and might one time or
 ' other affect the whole rights of the
 ' nation, from these of the meanest
 ' subject

' subject to the sovereign rights of the
 ' crown, as tending to invert and an-
 ' nul the grants of her majesty's royal
 ' predecessors, and to dishonour and
 ' impair her majesty's royal preroga-
 ' tive in *Scotland*, by subverting the
 ' nature of her patents and grants, as
 ' tending to debase the whole nobility
 ' of *Scotland*, by degrading them to
 ' a spurious state of peerage, subaltern
 ' and inferior to the peers of *England* ;
 ' as tending to lessen the representa-
 ' tive of shires and boroughs, where
 ' these shires and boroughs themselves
 ' have given their recent and imme-
 ' diate instructions in private, and ad-
 ' dresses in publick to the contrary,
 ' as tending to translate, surrender,
 ' and subjoin the power of our legisla-
 ' tive and parliaments (after they were
 ' thus dismembered and lessened) to
 ' the entire parliament of another na-
 ' tion, as tending to subject the se-
 ' curity and administration of two in-
 ' compatible church establishments,
 ' and the security and administration
 ' of different municipal laws and ju-
 ' dicatives

' dicatives, to the vote of one and
 ' the same parliament, to the unavoi-
 ' dable confusion, jealousy and dan-
 ' ger of these nations, as tending to
 ' drain this nation of a considerable
 ' part of its small stock of money, for
 ' defraying the charge of sixty one
 ' representatives; as tending to drain
 ' this nation of the far greater part of
 ' the product of the customs and ex-
 ' cise which formerly remained at home
 ' towards paying our own ministry,
 ' and other necessary charges of the
 ' government, but must henceforward
 ' go out, seeing upon the event of
 ' this union, our government and mi-
 ' nistry must be translated forth of this
 ' kingdom, as tending to ruin the trade
 ' and subjects of this kingdom, by en-
 ' gaging them in to insupportable cus-
 ' toms and burdens upon foreign trade
 ' and home consumption, and by involv-
 ' ing the trade of *Scotland*, under the re-
 ' gulations of the trade of *England*, tho'
 ' the funds, export and import and
 ' the common means of living in the
 ' *South* and *North*, are of such diffe-
 ' rent natures, that the regulations
 ' that

' that are necessary in the *South*, will
 ' be ruinous to the trade and living in
 ' the *North*, and generally as tending
 ' to lay a foundation of perpetual
 ' grudge and animosities amongst peo-
 ' ple, whose happiness in that united
 ' state, is pretended to consist in their
 ' being absolutely and entirely united
 ' in all manner of interests, while at
 ' the same time they are, and must
 ' be kept separate in their most va-
 ' luable concerns both civil and eccle-
 ' siastic.

' And I do for myself, and in name
 ' and behalf of all those who will ad-
 ' here to this my protestation, protest
 ' and declare, that we will not lessen,
 ' dismember, or part with our parlia-
 ' ment, or any part of the power
 ' thereof, or with any part of the just
 ' rights and properties of the peers,
 ' barons, or boroughs of this king-
 ' dom, and no pretended laws, acts, or
 ' resolves, to be past, or settlements to
 ' be made in all time coming in, or by
 ' any pretended parliament of *Great*
 ' *Britain*.

‘ *Britain*, can be of force or affect
 ‘ to bind the subjects or property of
 ‘ this nation ; and that if any per-
 ‘ son or persons whatsoever of our
 ‘ fellow-subjects, of whatsoever de-
 ‘ gree, rank, or estate under any
 ‘ pretext whatsoever, or by any man-
 ‘ ner or means, endeavour to dis-
 ‘ member or withdraw themselves
 ‘ from us, and go into any other
 ‘ constitution of their own invention,
 ‘ inconsistent with, or destructive to,
 ‘ and subversive of our present fun-
 ‘ damental constitution, we do look
 ‘ upon them as breakers of our
 ‘ indissoluble fundamental society,
 ‘ against which, we cannot, nor ought
 ‘ not to transgress, and that it shall
 ‘ be lawful for us by all legal and
 ‘ lawful means in parliaments, con-
 ‘ ventions, and meetings of estates, or
 ‘ otherways as our ancestors in the
 ‘ like cases have usually done, to vindi-
 ‘ cate and assert our ancient rights and
 ‘ liberties, and to support, reintegrate
 ‘ and certify our said fundamental con-
 ‘ stitution and indissoluble society,
 ‘ in which we have been united and
 ‘ knit

knit together for so many hundreds of years, and that we will in the confidence of those our sacred and indissoluble rights, under the blessing and protection of the divine Vindicator of all Rights, maintain, support and defend the constitution and authority of our Parliaments, her Majesty's sovereignty and government, and the present settlement both of church and state in this nation, according to our claim of right, and other laws following thereupon, against all opposition whatsoever.

When the Duke of *Hamilton* made this proposal, there were, to the best of my remembrance present, the Duke of *Atbole*, the Marquis of *Annandale*, the Earls of *Errol*, *Marrishal*, *Wigton*, *Galloway*, and *Selkirk*, the Viscounts of *Stormont* and *Kelsyth*, the Lords *Belhaven* and *Balmerino*, Mr. *Cobran* of *Kilmaronock*, Mr. *Lockwart* of *Carnwath*, Mr. *Ogilvy* of *Boyn*, Mr. *Lyon* of *Auchter House*, and likewise the Earl of *Panmuer*, the Lord *Nairn*, Mr. *Henry Maul*, and Mr. *James Graham*, Solicitor to the late King *James*; who, though the two first had not sworn the oaths and taken their places in Parliament, and the other two were not members thereof, were all very capable to be assistant in their advice. These I say, having

having demanded a day or two to take the proposal into consideration before they came to a final resolution, the Duke of *Hamilton* was in the interim at great pains to convince them, and such others (who were not present when the proposal was first made) as he thought fit to communicate it to, of the reasonableness of the measure; the greatest difficulty with some, was the mentioning their having been willing to settle the succession on the house of *Hanover*, which they said was a kind of obligation upon them to make their refuge to that family to protect them in opposing the Union's taking effect, and endeavouring to restore the nation to its ancient rights and constitution, whereas their design was, and had ever been, to preserve the nation, and at the same time to restore the King to the Throne, which they thought the present temper of the people would much advance. To this the Duke of *Hamilton* returned, that it could draw no obligation upon them, to adhere to the interest of the house of *Hanover*, since they did not protest against the motion's being rejected, the narrative only bearing the true matter of fact, *viz.* That such a proposal had actually been made, and even supposing it were otherwise, it was

was not the first time they had made greater stretches, with a design that good might come of it, and he hoped this would be the last; for added he, (to such as he was intimate with) this bold and clear protestation, backed by the separation, will not only confound the *English*, but likewise encourage our own fellow-subjects, and engage them to stand by and support us; and for his part, he was of opinion, that if the *English* did not desist from prosecuting, they must have recourse to arms and call over the King, and he doubted not but the nation, to save themselves from utter ruin, would concur with them, and he was willing to venture as far as any. By these and such considerations all were brought over, and at the next meeting, declared their approbation of the measure, promising to adhere to the protestation, which, it was taken for granted, the Duke *Hamilton* would present; only the Duke of *Athole* could by no reasons be prevailed upon to adhere to the protestation, because of that clause in relation to the house of *Hanover*; but he engaged to join in the measure of leaving the house, and all that should be afterwards thought necessary and demanded of him.

All things being just prepared and adjusted, next day was appointed for the execution, which being communicated to a great number of those which were against the Union, it caused an universal joy; and great numbers of gentlemen and eminent citizens flocked together that morning about the Parliament house, to convey the separating members, and assist them in case they should be maltreated as they came from the house; but all their hopes soon vanished and came to nothing, for that morning the Duke of *Hamilton* pretending to be seized of the tooth-ach, refused to go to the house; but some of his friends having freely expostulated with him upon this his conduct, telling him this double dealing and wavering would convince the world of what was said concerning his grandfire in the reign of King *Charles* the I. and he esteemed the second part of the same tune: he was at last prevailed upon to go to the house, and prosecute the measure; but when he came there, he called for his friends that were upon the concert, desiring to know from them who they had pitched upon to enter the protestation? They told him there was none so proper as his grace, being the person of the first quality and most interest in the nation, begging and imploring

*The Measure
broke by the
Duke of Ha-
milton.*

ploring he'd lead them on at this time, and assuring him they'd stand by him with their lives and fortunes; yet nothing would do, he still persisting in this resolution not to be the presenter of it, tho' he swore he should be the first adherer, and so much time was spent in wrangling upon this point, that the Parliament had met and advanced so far upon the business that the opportunity was lost.

'Tis not to be expressed, what a rage all those that had been upon the concert; nay, I may say, the whole nation (for it was soon spread abroad) were into see the Duke of *Hamilton* thus three times, one after another, break the designs and measures that were laid down, for opposing the designed slavery of the nation; and I was told by the Earl of *Seafeld*, that if the measure had been pursued and executed, the commissioners, and other ministers of state, had resolved to prorogue the Parliament, and give over the prosecution of the Union. I was likewise assured, by one who had it from one of the ministers of state, that the reason why his grace changed his mind, and made so short a turn in this affair was, that after his friends had left him, the evening before the protestations were to be entered, and the separation made, either

ther the commissioner himself or one from him (but I have forgot which) came privately to his grace, and told him he had intelligence of what was in agitation, and could assure him if it was not let fall *England* would lay the blame of it upon him, and he would suffer for it, and that this threatening induced him to change his mind, and confound the measure himself had concerted, promoted, and engaged people of his principles to enter into: Whether this truly was, or was not the reason, is what I cannot assert; but this behaviour of his, gave occasion to people to talk far and wide, that he had made his terms with the court, and betray'd the country party, and did so exasperate and discourage them, and create such jealousies and dryness betwixt him and the cavaliers, that for the future, no other measures were concerted, and every one did that which was good in his own eyes; and in a few days great numbers of those that had appeared zealously against the Union, deserted the house in despair: So that when the 22d article, (which took the house up two or three days in adjusting) came to be approved, there was little or no opposition against it, only before voting it, Mr. *Lockhart* of *Carnwoth* entered a protestation, with relation to the privileges

Protestations
against the
22 Article
by Mr. *Lock-*
hart of *Carn-*
woth.

vileges of the Barons in these terms.

‘ I do protest for myself and such
 ‘ other Barons as shall adhere to this my
 ‘ protestation, that neither this vote, nor
 ‘ any other vote, conclusion, or article
 ‘ in this treaty of Union, shall prejudice
 ‘ the Barons of this Kingdom from their
 ‘ full representation in Parliament, as
 ‘ now by law established, nor in any of
 ‘ their privileges, and particularly of their
 ‘ judicative and legislative capacities, of
 ‘ which they are deprived by the terms
 ‘ of this treaty of Union, and I crave this
 ‘ my protestation may be admitted and
 ‘ recorded. To which most the Barons
 that were against the Union did adhere.

There were likewise five protestations entered, the first by the Duke of *Atbole*, with relation to the several branches of this article, in these terms.

*By the Duke
 of Atbole.*

Whereas by my protest given on the fourth of *November* last, before voting the first article of the Union, I did reserve liberty to renew protestation against any other article of the treaty; and as I protested for the reasons therein mentioned, so I do now for myself, and all others, who shall adhere and protest against any vote for approving the twenty-second article of this treaty of Union, and against all the parts thereof, for these reasons; because the Peers of the realm who
 are

are hereditary members of her Majesty's great Council and Parliament, do hereby become elective, and so her Majesty is deprived of her born Councillors, and the Peers of their birth-right: and whereas they are at present one hundred and sixty in number, they are by this article reduced to sixteen; are to be joined with the house of Lords in *England*, whose number at present consists of above one hundred and eighty, whereby 'tis plain that the *Scots* Peers share of the legislative and judicative powers in the *British* Parliament, is very unequal with that of the *English*, though the one be the representatives of as independent a nation as the other, and that it is a plain forfeiture of the peerage of this Kingdom: and as it is the height of injustice, and against the laws and practise of this, and all well governed nations, to forfeit any person without an heinous crime; so 'tis against all Laws to forfeit either the Peers that are now present, or those that are minors, and absent, without so much as being called or cited for that end. It is likewise contrary to the true honour and interest of her Majesty and the monarchy, to suppress the estate of Peers, who have formerly been

been the greatest supporters of the monarchy; and it is dishonourable and disgraceful for this kingdom, that the peers thereof shall only have rank and precedence next after the peers of the like order and degree in *England*, without regard to their antiquity, or the dates of their patents, as is stipulated by the following articles of this treaty.

In the next place, each Shire and royal Burgh within this Kingdom, have the number of their representatives determined by acts of Parliament, whose number at present being one hundred and fifty-five, are by this article of treaty reduced to forty-five, and to be joined to five hundred thirteen in the house of Commons, where they can have no influence, by reason of the vast disproportion of their numbers; besides that, the Barons and burgesses of this nation, by this way of uniting, are deprived of their inherent right of being fully and individually represented in Parliament, both in relation to their legislative and judicative capacities: and they are not only highly prejudged in lessening their representation, but also degraded from being members of the Parliament of this Kingdom, where they sit as judges in all causes civil and

and criminal, to be joined to the commons of another nation, who are accustomed to supplicate for justice at the bar of the house of Lords.

The barons and burrows are further prejudged in this, that whereas now every shire and royal burgh have their own representatives, one commissioner will hereafter represent several shires and burghs, who, it cannot be supposed, will understand the several interests and concerns of the said several shires and burghs whom they may represent. And further, for the present representatives of the barons and burrows in Parliament, to offer by any vote of deed of theirs to incapacitate their constituents, or deprive them of any part of their inherent right, is that which their constituents may, and do justly disallow, that only having their commissions with the ordinary power of making or amending laws, and giving supplies; but no ways to alter fundamental constitutions, or to take away or diminish their representation, which is also a plain forfeiture of their constituents, of their inherent rights, and undoubted privileges, and is contrary to the fundamental laws of this nation, which are the birth-right of the people thereof. From all which it is plain and evident

evident, that this, from a sovereign independant monarchy, shall dissolve its constitution, and be at the disposal of *England*, whose constitution is not in the least to be altered by this treaty, and where it is not to be supposed the *Scots* shall have any weight in the making of laws, even though relative to their own kingdom, by reason of the vast disproportion and disparity of their representation aforesaid; and therefore I do also protest, that no vote may hinder or prejudice the noblemen, barons, and burrows as now represented in Parliament, to retain, bruke, enjoy and exercise all their rights, liberties, and priviledges as fully and freely as hitherto they have enjoyed them; and since it evidently appears, not only from the many protests of the honourable and worthy members of this house, but also from the multitude of addresses and petitions of the several parts of this kingdom, of the barons, freeholders heretors, burrows, and commons, and from the commissions of the general assembly, that there is a general dislike and aversion to the incorporating Union, as contain'd in these articles, and that there is not one address from any part of the kingdom in favour of the Union, I do therefore
pro-

protest against concluding this and the following articles of the treaty, until her Majesty shall be fully informed of the inclination of her people; that if her Majesty think fit, she may call a new Parliament to have the immediate sentiments of the nation, since these articles have been made publick, where it is to be hoped they may fall upon such methods as may allay the ferment of the nation, satisfy the minds of the people, and create a good understanding betwixt the two kingdoms, by an Union upon honourable, just, and equal terms, which may unite them in affection and interest, the surest foundation of peace and tranquillity for both kingdoms; and this my protestation I desire may be received and inserted in the minutes, and recorded in the books of Parliament, as a testimony of my dissent, and the dissent of such as shall adhere to me.

The next protestation was made by the Earl of *Buchan*, with relation to the rights of the Peers, as follows.

*By the Earl
of Buchan.*

‘ Forasmuch as the changing of the
‘ rights of the Peers of this realm,
‘ from a constant and hereditary right,
‘ to one that is elective, and the de-
‘ barring all or any of them from taking
‘ place, and voting in Parliament con-
‘ ventions, or public councils, is sub-
‘ versive

' versive of the birth-right and undoubt-
 ' ed privilege of the Peers, dishonour-
 ' able to the whole kingdom, and contrary
 ' to the fundamental laws and constituti-
 ' on thereof, as well as to all justice and
 ' equity ; I do therefore, for myself, and
 ' in name of all who shall adhere to this
 ' my protestation, protest, that the afore-
 ' said right of the Peers of this king-
 ' dom to sit and vote in all Parliaments,
 ' Councils, and Conventions, do after
 ' the intended Union with *England*, and
 ' notwithstanding thereof, continue in
 ' full force, and remain to them as their
 ' undoubted right and property, and that
 ' no vote pass in this house to prejudice
 ' all or any of them from claiming the
 ' same in time coming.

The third protestation, with relation
 to the privileges of Peers, Barons and
 Burrows, was entered by *Walter Stuart*,
 of *Pardovan*, representative of the
 town of *Linkithgow*, in these words :

' I do protest for myself and in name
 ' and behalf of all others, who shall ad-
 ' here to this my protestation, that the
 ' restriction of the representatives in
 ' Parliament for this kingdom, as con-
 ' tained in the 22d art. of the treaty of
 ' Union, is contrary to the birth-right
 ' of the Peers, and rights and privileges
 ' of the barons and freeholders, and royal
 ' burrows, and fundamental laws and

*By Walter
 Stuart of Par-
 dovan.*

con-

constitution of the nation; and if any vote shall pass, approving of the said article in the terms that it stands, that any such vote shall not prejudice the birth-right of the Peers, the rights and privileges of the Barons and Free-holders and royal Burrows, competent to them by the laws and constitution of this kingdom, and take instruments upon this protestation, and desire it to be inserted in the records of Parliament.

The fourth protestation by the Earl of Errol, with relation to his heretable office of high constable, in these terms.

*By the Earl
of Errol.*

I do hereby protest, that the office of high constable of *Scotland*, with all the rights and privileges of the same, belonging to me heretably and depending upon the monarchy, sovereignty, and ancient, constitution of this kingdom may not be weakened or prejudged by the conclusion of the treaty of Union betwixt *Scotland* and *England*, nor any article, clause or condition thereof, but that the said heretable office, with all the rights and privileges thereof, may continue and remain to me and my successors entire and unhurt by any votes or acts of Parliament, or other proceedings whatsoever relative to the Union; and I crave this my protestation may be admitted and recorded in the registers and rolls of Parliament. The

The last protestation was by the Earl Marſhal, with relation to his heretable office of Marſchal of *Scot.* in this manner.

‘ I do hereby proteſt that whatever
 ‘ is contained in any article of the trea- *By the Earl*
 ‘ ty of Union betwixt *Scotland* and *Eng-* Mar ſhal.
 ‘ *land*, ſhall in no manner of way dero-
 ‘ gate from, or be prejudicial to me or
 ‘ my ſucceſſors in our heretable office
 ‘ of great marſchal of *Scotland* in all
 ‘ time coming, or in the full and free
 ‘ enjoyment and exerciſe of the whole
 ‘ rights, dignities, titles, honours,
 ‘ powers, and privileges thereto belong-
 ‘ ing, which my anceſtors and I have
 ‘ poſſeſſed and exerciſed as rights of pro-
 ‘ perty theſe ſeven hundred years; and
 ‘ I do further proteſt, that the parlia-
 ‘ ment of *Scotland*, and conſtitution there-
 ‘ of may remain and continue as former-
 ‘ ly: and I deſire this my proteſtation,
 ‘ to be inſerted in the minutes, and re-
 ‘ corded in the books of Parliament,
 ‘ and thereupon take inſtruments.

To the three firſt proteſtations, *viz.* the Duke of *Arbole's*, the Earl of *Buchan's* and Mr. *Stuart's*, moſt of theſe members that had been oppoſite to the Union, and had not left the houſe did adhere; but the courtiers being unwilling to let the world ſee the good grounds that moved them to oppoſe the Union, refuſed to allow theſe three,
 and

and Mr. *Lockhart's* protestations, and the names of these that adhered to them to be printed (as was always usual,) in the minutes of Parliament, and having a majority on their side, the said protestors were obliged to compound the matter thus: That provided the protestations were recorded in the books of Parliament, they should not be printed at length, but that mention should be made in the minutes of such protestations being entered by such persons, and of the adherer's names; but the Earl of *Marchmont* not satisfied with allowing this, entered his protestation against it in a most virulent stile, asserting, that these protestations were presumptuous, illegal and unwarrantable, and tending to raise sedition; and the members, as they favoured the parties and cause adhered to the one or the other of these two protestations.

Representatives to serve in the next British Parliament chosen.

From this day forward the house was almost quite drained of the anti-unioners, and so the courtiers acted how and as they listed, till they had finished and approved all the articles of the treaty, and engrossed them into an act, and that they had received the royal assent, with meeting with such opposition, only when the method for choosing the representatives for *Scotland*, to the next *British* Parliament was under consideration

tion, the Duke of *Hamilton*, and Mr. *Cochran* of *Kilmarnock*, did each of them protest against their being chosen out of the parliament by the members of the house, as being contrary to the 22d article of union, wherein the method of electing the peers is regulated and determined, and inconsistent with the birth-rights and privileges of the barons and burrows, and contrary to the principles of common law, and diverse acts of parliament. To which the earls of *Errol*, *Marishal*, *Buchan*, *Eglinton* and *Galloway*, the viscount of *Kelsyth*, the lords *Semple*, *Balmerino*, *Blantyre*, *Bargeny*, *Belhaven* and *Colvil*, Sir *John Lauder* of *Fountainhal*, *A. Fletcher* of *Salton*, Sir *R. Sinclair* of *Longformacus*, *J. Brisbane* of *Bishopton*, Sir *H. Colquhoun* of *Luss*, *J. Graham* of *Killearn*, *R. Rollo* of *Powhouse*, *T. Sharp* of *Houstoun*, Sir *T. Burnet* of *Leys*, Sir *D. Ramsay* of *Balmain*, *J. Forbes* of *Culloden*, *T. Hope* of *Rankeillor*, *D. Graham* of *Fintree*, *A. Macghey* of *Palgowan*, *J. Sinclair* of *Stemster*, *J. Dumbar* of *Hemprigs*, Sir *H. Innes* of *Innes*, and *G. Mackenzie* of *Inchoulter*, barons; *A. Edgarr*, *J. Scott*, *F. Molison*, *R. Scott*, *J. Hutchison*, *A. Shields*, *J. Lyon*, *G. Brody*, and *J. Carruthers*, burrows, did adhere: But the courtiers being conscious to themselves, that the nation

tion was so displeased with them, that they could not expect any of their stamp would be returned from the shires or burroughs, were resolved not to *swallow a cow, and stick at the tail*; and as they had begun, carried on, and finished their projects, contrary to all the ties of justice and honour, and the welfare of the country; so they continue the same well pathed road, and commence the union with as great an invasion upon the rights of the subject, by depriving them of the powers of naming their own representatives, as ever was done to a free people; for they picked out sixteen peers, thirty barons, and fifteen burghesses, that were through paced, and altogether at their beck; whereby it came to pass, that some shires had their whole number of representatives, as in the *Scots* parliament, such as *Argyle-shire, &c.* Some had two, some one, and some of the chief shires, such as *Edinburgh, Fife, Sterling, &c.* none at all.

Having brought affairs so far, I have now no more to say to the parliament's actings, only let me add, that notwithstanding the commissioner had solemnly engaged to the duke of *Hamilton*, that he would not hinder any person from giving his vote to be one
of

of the sixteen peers; yet just as they were going to elect, he produced a letter from the Queen, which he had, as he pretended, at that instant received, discharging any of her servants from voting for him, under the penalty of her displeasure; and thus several who had engaged to vote for the duke of *Hamilton*, were obliged to refile, and his grace was baulked, to the great satisfaction of many, who thought he had been too much imposed upon, and were glad to see him cheated by the court.

It is not to be doubted, but the parliament of *England* would give a kind reception to the articles of the union as passed in *Scotland*, when they were laid before that house, as was evident from the quick dispatch in approving of, and ratifying the same; and so the union commenced on the first of *May*, 1707, a day never to be forgot by *Scotland*; a day in which the *Scots* were stripped of what their predecessors had gallantly maintained for many hundred years, I mean their independency and sovereignty.

I shall leave this melancholy subject, with adding a few observes that some *Some Remarks.* were pleased to remark.

First, That the first article of the union was approved the fourth day of

vember, which was the birth-day of our *Dutch* ironical saviour king *William*, being the day preparatory to *Gunpowder-Treason*.

Second, That the peerage was renounced the eighth of *January*, which was the date of the warrant, for the religious murder of *Glenco*, upon which day likewise the earl of *Stavis*, signer of the said warrant, after he had with more than ordinary zeal appeared that day in parliament, was found dead in his bed; or, as was reported, hanged himself.

Third, The ratification of the articles of the union, was upon the sixteenth, of the date of the sentence of the royal martyr king *Charles* the first.

Fourth, The dissolution of the *Scots* parliament or kingdom, was upon the twenty-fifth of *March*, being the first of the year in *England*, and a handsome new year's gift to that kingdom.

Fifth, The equivalent (*alias price of Scotland*) came to *Edinburgh* on the fifth of *August*, the day the earl of *Gourie* designed to perpetrate his horrid conspiracy against king *James VI*.

I have now brought the affairs of *Scotland* from queen *Anne's* accession to the throne, to the conclusion of the last

last *Scots* parliament. I proceed next to give an account of what happened after the commencement of the union, particularly of the projects that were set on foot to subvert the same, and restore the king. It is not to be expected I can discover all the secret transactions at the time I writ this, for many of them were carried on in *France*, and others, though at home, were kept very secret; yet you'll perceive I have come at the knowledge of so much as will sufficiently enable you to understand the true origin and progress of the designed invasion from *France*, in *March* 1708.

To begin then, no sooner was the first of *May* past, than the ministry (now of *Great Britain*) took care to establish the union of the two kingdoms, and as by the articles it was agreed, there should be the same regulations, impositions, &c. of trade, throughout the united kingdom (that is to say, that the laws relative to trade in *England*, should take place in *Scotland*.) Immediately two commissioners were appointed, one for managing the customs, the other the excise of *Scotland*, which consisted partly of *English*, partly of *Scotsmen* (though these latter had no pretensions to intitle

tie them to that name, save their being born in that country; they and all that were employed afterwards as commissioners for managing the equivalent, or advanced to any of the new posts, being downright renegadoes, and rewarded on no other account than the assistance they gave in selling their country) at the same time vast numbers of surveyors, collectors, waiters, and in short, all or most of the officers of the customs and excise, were sent down from *England*, and these, generally speaking, the very scum and canalia of that country, which remembers me of a very good story: *Sometime thereafter a Scots Merchant travelling in England, and shewing some apprehensions of being robbed, his landlady told him he was in no bazard, for all the highway-men were gone, and upon his enquiring how that came about; why truly, replied she, they are all gone to your country to get places.* These felons treated the natives with all the contempt, and executed the new laws with all the rigour imaginable; so that before the first three months were expired, there were too apparent proofs of the truth of what had been often asserted in relation to the bad bargain *Scotland* had made; 'tis true indeed, some particular merchants made

made vast gain at this juncture ; for the duties upon wine, and most other foreign commodities being much less in *Scotland* than in *England*, great quantities were imported into the former before the commencement of the union, afterwards carried into *England*, returned an extraordinary profit ; but as discerning people saw that was only the accidental consequence of what could not well be avoided at this juncture, and that these sun-shine days would be soon over clouded (as the merchants have since effectually experimented) it did no ways lessen the dreadful apprehensions of the consequences of the union, and the people of all ranks and persuasions were more and more chagrined and displeased, and resented the loss of the sovereignty, and were daily more and more persuaded, that nothing but the restoration of the Royal family, and that by the means of *Scotsmen*, could restore them to their rights. So that now there was scarce one of a thousand that did not declare for the king, nay the presbyterians and *cameronians* were willing to pass over the objection of his being a papist ; for said they, (according to their predestinating principles) God may convert him, or he may have protestant children ; but the union can never be good,

and

*The People
more exasperated against
the Union,*

*Favour the
King.*

and as the reader may remember, the commons shewed a greater alacrity and readines to join against the promoters of the union, whilst it was in agitation, than did these of better rank and quality, so were they at this time more uneasy at their subjection, and zealous to redeem the liberty of the country; and thence it was, that on all occasions, in all places, and by all people of all persuasions, nothing was to be heard throughout all the country, save an universal declaration in favour of the king, and exclamations against the union, and those that had promoted it.

Nay, so great a length did their indignation lead them, that the presbyterian ministers became universally hated and despised, and lost all their interest with the commons, these not sticking to tell them publickly, that they were time-servers, and had preached up against the union, whilst they thought their kirk not well enough secured; but that once being done, they valued not the country nor the people's liberties, and thus were the commons come to this lucky pass, that they would have entered into, and prosecuted any measure, without the previous advice, and constant concurrence of the ministers, who, formerly, on all other occasions, acted only with a view to themselves, could

could never be guided by the nobility and gentry, and rendered the commons immanageable, by the influence they had over them.

And these were the people's inclinations, so likewise was there an universal expectation of the King's coming over to them; whence this came I cannot tell, but people were over all parts prepossessed, and pleased themselves with an opinion it would happen very soon; so that for several months they were in a constant expectation of him, and this was before any measure for the purpose was finally concluded; and in such countries, where few or none were privy to the concert; besides they acted consequentially to this their behalf and expectation, preparing themselves to receive and assist him; for the western shires had their private delegates from each parish, to meet and concert measures together, and amongst others, they appointed several of their number to apply themselves towards getting of intelligence; they named their officers who should head them, till once the nobility and gentry, took the command upon them; they had arms making in all places, and appointed people to buy horses; so that a worthy friend of mine in the shire of *Air*, assured me, that very summer twelve
or

or fifteen hundred good horses had been brought over from *Ireland*, which were picked and brought up by country people, and carried where no body knew; and some of these ringleaders and delegates in *Clydsdale*, did come to Mr. *Lockhart* of *Carnwath*, telling him they were ordered by a considerable party, to enquire of him against what time he thought the King would land; and upon his answering, that he wondered how they could ask such a question of him! and that he knew nothing of these matters; they answered, he might indeed be shy in divulging his mind to them, but they doubted not but he knew, and they would be glad to know likewise, that each of them might spare one or two of their best horses from work, and have them in good condition against he landed. And on another occasion, one of the chief *Cameronians* told him, they were content to join in an army with the *Episcopalians*, for it was not now a time for *Scotland* to be divided amongst themselves.

I have instanced these two particulars, to shew the inclinations of the people, the like to which happened to several other people in all parts of the kingdom; so that I may well aver, that the Commons were most impatient at the

the King's delay in coming over, and were most sincerely ready to have made him welcome, by assisting him to the utmost of their powers; and tho' the Commons appeared with less caution, and more bare-facedly; yet were not the nobility and gentry less desirous to have him amongst them; so that never was a Prince or deliverer more longed for by a people, and what *Ovid* observed long ago,

*Nescio qua natale solum dulcedine tangit
Humanas Animas.*—

was remarkably evident on this occasion; for from hence arose that unanimity amongst the episcopals and presbyterians cavaliers, and many of the revolutioners, so that according to the *Scots* proverb, *they were all one man's bairns*; had the same desire, and were ready to join together in the defence of their country and liberties.

It is not to be doubted, but these accounts would soon reach the ears of those at *St. Germain's* and *Versailles*. For in the first place, during the time that the articles of the union were under the consideration of the *Scots* parliament, the *English* ministry, allowed or rather encouraged their news-mongers to ascribe the opposition they met with,

*Accounts
thereof sent
to France.*

to

to a spirit of Jacobitism; and next care was taken to inform how averse the people were to the union, and pressing the King's coming over as the luckiest opportunity for restoring of him, and advancing the affairs of *France*, by given a diversion to the *English* arms; and the *French* King by the bad success of his arms, during the last campaign (wherein he lost the battles of *Audenard* and *Turin*, and several strong Towns) being brought to a weak pass, began to relish the proposal, and seemed in earnest to do something for our King; for which end he sent over Colonels *Hookes* to get intelligence, and treat with the people of *Scotland*.

The French King inclines to do something for our King.

I have elsewhere given an account of this gentleman, and I have good grounds to believe he was plained upon the court of *St. Germans*, being pitched upon by the *French* King, as one that would follow his directions and be true to his interest; and indeed he was not disappointed, for the colonel showed more concern to raise a civil war at any rate (which was what the *French* King chiefly wanted) than so to manage and adjust measures as tended most for King *James's* service, and to encourage his subjects to do for him.

Now it will be proper to remember, that the two Dukes of *Hamilton* and *Atbole*,

Athole, had for some time been in bad terms with one another, the first claim'd merit upon the account of his past actions, his interest and qualifications, (which are seldom undervalued by great men) the other thought he was to be valued, and would yield to none, because of the interest he had of late got with the *North* country gentry, and the great number of men he could raise; but he never considered these would have joined the King, not out of affection or obedience to him, (tho' he might have a considerable stroke with them, and was therefore to be valued) but from a principle of loyalty, which they had manifested on all occasions.

Divisions between the Duke of Hamilton and Athole.

These Dukes had their several friends; some honest men being disgusted at the Duke of *Hamilton*, on the account of his behaviour during the last parliament, inclined to think the Duke of *Athole* would venture further for the King; which, as it picqued the one, so it elavated the other, nay, to so great a degree, that the Duke of *Athole*, and his partizans, railed openly against the Duke of *Hamilton*, and pretended to do all themselves.

There were others again, who remembering the Duke of *Athole's* conduct, at, and on several occasions, since the revolution, were afraid he was not thoroughly

thoroughly well founded, but acted more from a desire of revenging himself of the courtiers, who had slighted him, than a true principle of loyalty; and considering, that he was by no means qualified to be the head of a party, tho' in general, an useful man, in promoting so good a design, thought he was to be humoured, but not so as to disgust the Duke of *Hamilton* altogether. For though the last's behaviour in all points was not approved of by them; yet being thoroughly convinced that he was altogether loyal, and tho' perhaps a little too cautious, or rather timorous in concerting of measures, would infallibly join the King, and venture as far to serve him as any man alive; and it being evident to a demonstration, that he was absolutely necessary to be with the King, because of his interest, courage and conduct, and particularly, his dexterity in managing the different parties in the kingdom: upon these considerations, I say, they thought he was to be valued, respected and advised with, and having notified the same to the Earl of *Middleton*, (who agreed with them in it) and he again to the King; the Duke of *Pertb*, who was of a quite different interest from the Earl of *Middleton*, soon made up with the Duke of *Atbole*; and having more
interest

interest with the priests and *Roman Catholics*, than the Earl of *Middleton*, prevailed so far with the courts of *France*, or at least with *Hookes* himself, that when *Hookes* arrived in *Scotland*, he should make his chief application to his correspondent the Duke of *Atbole*.

It may seem strange, that such divisions should have lasted amongst those of the court of *St. Germain's*; but the same happened during the exile of King *Charles II.* and is a clear proof, that nothing can separate statesmen from that selfish ambitious principle, that overrules all their projects, tho' often to the prejudice of their master, and (as on this occasion) of themselves; for sure unanimity and concord were necessary to people in their circumstances.

These being premised, I go to acquaint you, that *Hookes* set sail from *France*, and landed in the *Northern* parts of *Scotland*, some time about the latter end of *February*, or beginning of *March 1707*, and being conducted to *Slains*, after he received some further account of the present posture of affairs, from the Countess Dowager of *Errol* (who was entirely of her brother the Duke of *Perth's* interest, and a very pragmatical woman) and acquainted some of those with whom he was to traffic, of his arrival, he set out towards the *South*,
and

Colonel Hookes
from *France*,
sent to *Scotland*.

and came into the Shires of *Perth* and *Angus*, where he met with great numbers of gentlemen (who were for the most part of the Duke of *Atbole's* party) with whose frankness and hospitality he was so much taken, and they again with his business and errand, that he openly avowed the same, and was caressed as an ambassador indeed; and I have been told, he took it well enough to be called his Excellency,

A Treaty signed by him and some Scots.

After he had remained sometime in this country, and found people's pulses, and pitched upon those with whom he'd treat, he fell to business. I cannot indeed say, that he had a personal interview with the Duke of *Atbole*; but certain it is, they concerted measures together; but there were several with whom he met, and to whom he made his proposals. The first thing he produced was a letter from the King, and another from the *French* King, being his credentials, empowering him to treat with the people of *Scotland*, in order to bring about the King's restoration, and to recover the nation's sovereignty and ancient privileges; then he produced a long paper, containing several queries drawn by Monsieur *de Torci* relating to the number of men, that could be raised in *Scotland*; the conveniency of subsisting troops with meat, cloaths and

and quarters, and their carrying on the war; the number of men, sum of money, and quantity of arms, ammunition, and other warlike stores necessary to be sent from *France*: these, and such like matters being concerted and adjusted, an answer to the *M. de Torci's* questions was compiled, which gave a distinct resolution to each query, containing a full account of the state of affairs, particularly the inclinations and forwardness of the people to venture all for the King's service, and earnestly entreated him to come over as soon as possible.

I should be glad I were master of a copy of those papers, so that I might insert them at large; however, I have often read them, and this is a short abstract of the most material heads contained in them.

This paper was signed by about fifteen or sixteen noblemen and gentlemen, viz. the Duke of *Athole*, Lord *Drummond*, Earl of *Errol*, Earl of *Strathmore*, Viscount of *Stormont*, Lord *John Drummond*, Lord *Nairn*, *Fatheringhame* of *Powrie*, *Lyon* of *Auchterhouse*, *Graham* of *Fintree*, *Drummond* of *Logie*, *Ogilvy* of *Bayne*, and others, whose names I have forgot, and was lodged in the hands of Colonel *Hookes*, to be by him transported to *France*.

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While all this was a doing, they kept not their affairs so secret, but that great numbers at that very time, and afterwards every little body, that pretended to be a Jacobite, knew of *Hookes* being here; and tho' not all the particulars, yet the main design and result of his negotiations; and tho' I am very far from derogating from the honour and praise these gentlemen deserve, upon the account of the evident demonstration they gave of their loyalty upon this occasion; yet I must join with those who are of opinion, that they took too much upon themselves. A few private men in a corner of the country to negotiate [and lay down schemes upon so weighty an affair, without the advice and concurrence of others, whom they knew to be as loyal, and as capable to serve the King as they were themselves, nay, without whom they could not pretend to influence other parts of the kingdom; and I can ascribe it to nothing so much as the Duke of *Atbole's* ambition, to be thought the chief and first promoter of the King's restoration, and these other gentlemen's great zeal and firm perswasion, that if they could have the honour of bringing the King over, the nation was so dissatisfied and disgusted at the union, that every body will join with them, and

and they be each of them valued as another *Monk* ; and indeed afterwards, when people argued with them upon this point, alledging they had not acted prudently with regard either to the King's or their own interest; they to foment divisions at a juncture when every body was to be pleased, and, as far as possible, honoured, some of them did not stand to answer, that they did not value that, they doubted not of success, and as they had run the hazard, they expected the honour of it. If *Scotland* had been concerned, they might have ventured to do what they did, and done the King's affairs with a small power ; for indeed, I do believe there were very few that would have oppos'd him : but, alas ! they little consider'd that *England* was in the play, and the united strength of all *Scotland* little enough to effectuate the great design. 'Tis true, *Hookes* brought over letters from the King to the Duke of *Hamilton* and Earl Marishal, but before he transmitted these letters to them, he had so closely attached himself to the other set, and made such advances in the treaty, that these noble Lords could not but see how much they were despised and mal-treated, and therefore did not think fit to send their answers by him, but chose another hand to

communicate their opinions to the Earl of *Middleton*; upon which *Hookes* sent them more than once or twice impertinent, haughty, threatening letters, and so great was the schism upon this account, betwixt those that carried on this business with *Hookes*, and such as enclined to correspond with the Earl of *Middleton*, and were thus neglected, particularly the Duke of *Hamilton*, the Earl *Marshall*, Viscount *Kelfeth*, *Cockran* of *Kilmorionock*, *Lockhart* of *Carnwath*, *Maul* of *Kelley*, and Captain *Straton*, that the former in all companies, where they used the freedom to tell their minds (which was indeed too many) and by the accounts they gave to the court at *St. Germans*, made no bones of calling the other people cowards and lukewarm, and giving them all the harsh epithets imaginable; tho' the Duke of *Hamilton* and his friends bore them no enmity, and wished them good success, and were very far from envying any man the honour, provided he brought the kingdom in safety, and did so regulate matters as that he might become successful.

And therefore in all their accounts to the King, they told him, they would strive with none that were doing him service, save in out doing them in that point of it which lay in their power, as-
furing

furing him, they were ready to venture
 all when he required it, and advising
 him, as they thought themselves in
 duty bound, not to hazard his Royal
 person, unless he were so attended, and
 in such a capacity as to be able to ac-
 complish his design, in order to which
 they at least thought ten thousand re-
 gular troops absolutely necessary (the
 other set having demanded only six or
 seven thousand) to be brought over
 with him, and recommending to him to
 fall upon measures to satisfy the people
 as to the security of their religion and
 civil rights (which by the other was
 wholly neglected) without which he
 could not expect to succeed, and in do-
 ing which there was no great difficulty,
 because of the different parties in the
 kingdom. These gentlemen thought
 it their duty to represent matters thus
 to the King, since a faint attempt
 might have proved fatal to the King's
 person; and if it miscarried ruined the
 future prospect of his affairs, and the
 hopes of recovering *Scotland's* rights
 by rivetting rebellion and the union;
 since it was clear, if once they drew
 their swords, as Duke *Hamilton* ex-
 pressed it, they must throw away their
 sheaths, and therefore they continually
 remonstrated, That it was better to sus-
 pend making any attempt, than not to
 do

do it to purpose. 'Now let God and the world judge, if these gentlemen, by giving such advice, did deserve to be slandered and misrepresented as they were; however they had this satisfaction, that they could not blame themselves, and were, notwithstanding, resolved to join with the King upon his landing, tho' he should not bring such a force as they thought necessary for him: The truth of which would have appeared, had not the design miscarried.

*Hookes returns
to France, and
what followed
upon it.*

Hookes had no sooner finished his negotiations, than he took his leave of his friends, assuring them that the King should be in *Scotland* by the next *August*, and went in a *French* ship which waited upon him on the *North* coast of *France*, where he arrived in *May* 1707, and having given an account of his embassy, and the reception he met with, triumphed no little over the Earl of *Middleton*, whom, and his friends in *Scotland*, he accused of backwardness to serve the King.

In the mean time every body expected to have heard of the designs being put in execution; but some weeks before the month of *August* (the time appointed for making the attempt) notice was sent, that it could not be done then; and thereafter several diets were pre-
fixed,

fixed, which took as little effect, and it was next to a miracle, that so long delay, and so many off-puts, did not bring all to light, and occasion either then, or at least afterwards, when the attempt was made and miscarried, the ruin of many people; for as I said before, the design was known to so many people, and so much discoursed of in common conversation, that it was strange, witnesses and proofs should be wanting to have hanged any man. But such was the loyalty and affection of the People to the King, that tho' the government knew there had been a correspondence with *France*, yet could they not procure any certain intelligence, nor afterwards the least accusation against any one of the many who they knew were deeply dipped and concerned in it.

But to proceed, after several times had been appointed for making the attempt, and nevertheless no appearance of its being executed; people began to think, that the *French* King's affairs being somewhat retrieved by the battle of *Almanza*, which happened during the time *Hookes* was in *Scotland*, he was resolved to reserve this design in favour of the King to another occasion, and this proceeded from reflecting on *Hooke's* behaviour here, and jealousy, I am afraid too well grounded, that the *French*
King

King only minded our King in so far as his own interest led him, and made use of him as a tool to promote and be subservient to his own private designs.

*The Duke of
Hamilton ac-
cused.*

None were more of his opinion than the Duke of *Hamilton*, so that having waited without seeing any reason to believe the *French* King was in earnest till the end of *January* 1708, his affairs in *England* requiring his presence, he set out about that time from *Kinniel* to *Lancaster*. I know his enemies have upbraided him highly on this account, as if he had fled, or at best returned just when he saw the King a coming; but as I have not spared him when I thought he deserved it; so I hope my reader will believe me when I vindicate him from this aspersion.

*And Vindica-
ted.*

Before he was positively determined to go away, he communicated his design to the Viscount of *Kelfeth*, Mr. *Cockran* of *Kilmoronock*, Mr. *Lockbart* of *Carnwath*, and Captain *Straton*, asking their opinion, and whether they believed the King would come over to *Scotland*? In which case he would not stir; and those gentlemen seeing no reason to believe, what they desired would happen so soon, could not obstruct his going to a place where they know his affairs so necessarily required him; and what induced them to that opinion was, that

that some little time before, by a letter by the Earl of *Middleton*'s direction to captain *Straton*, they understood that the King and his Ministers, often pressed the *French* King and his Ministers, (with whom they had frequent conferences) to enable the King to recover his crowns; that they got good words and fair promises, but had come to no determination as to the time or method of accomplishing it; besides, Mr. *Ogilvy* of *Boyn* (being so straitened in his circumstances, that he could not reside in *Scotland*, and trusted by the Duke of *Atbole* and his friends, to negotiate for them, and press the execution of what had been agreed to by them and *Hookes*) had likewise wrote from *France* to the same purpose to his correspondents.

Matters being in this posture, the Duke of *Hamilton* resolved, and did make his journey, as I have said, and with him his Dutcheſs and family; but on the third morning after he ſet out, as he was preparing to move on from Sir *David Murray* of *Stenhope*'s houſe, where he had been all night, an expreſs from captain *Straton* overtook him, intimating, that by the poſt, which came in the night before, he had received letters with an account, that at laſt the expedition was reſolved on,
and

and would be executed betwixt then and the middle of *March*, Mr. *Lockhart* of *Carnwath* having conveyed his Grace so far, he shewed him captain *Straton's* letter, and seemed extremely puzzled how to behave; but after some consideration, resolved to proceed on his journey, for said he to Mr. *Lockhart*, the design cannot be long a secret, since the preparations for it will be public to all the world; and if I, after I am come so far on my journey with my family, do all of a sudden return back, every body will conclude, it is with a design to join the King, and so I shall be exposed to the malice of my enemies, and be certainly clapped up in prison, and sent to *England*; whereas, if I go on, perhaps they may think I am not very forward in hazarding, and have stept out of the way on purpose, and an express can be easily at me in two or three days; I shall be always ready, and am able to force my way through *England* to *Scotland*; besides the people of *Scotland* are all ready enough to join the King, at the instant he lands, and I do not know but I may do him better service by being in the *North* of *England*, to excite his friends there, to appear for him. Mr. *Lockhart* having little to say against these reasons, his Grace desired him to communicate the

the same to captain *Straton* and his friends, and that they should send off an express to him as soon as they had reason to believe that the King was ready to sail, and another as soon as he was landed; and he concerted with Mr. *Lockhart*, that upon the King's landing, he should instantly repair to the shire of *Lanerk* (where both their chief interests lay) to raise and lead their friends, and such as would take arms to meet the Duke at *Dumfries*, where he promised to meet him, and where he was sure to be joined with a great number of horse and foot, both from that country and the *Westerns* borders of *England*, and would instantly proclaim the King there, and thus be in condition to defend the borders of *England* against any attempt from *England*, until a *Scots* army was formed, the parliament convened, and the King's affairs settled. Thus they two parted, and you shall see by and by, his Grace would have executed what he then proposed.

It is beyond my reach to determine the cause of this sudden change in the *French* King's councils; some were pleased to say, that it was long e'er he could be prevailed upon to make the attempt; others again, that he all along designed it; but the time of its being

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The probability of the King's succeeding.

accomplished was kept a mighty secret as long as possible from any body but his own ministers, because of the divisions that were at the court of St. Ger-
mains, and the intelligence that was found to have gone too often from thence to *England*. It won't be much out of the way to leave them for some time in *France*, busy in making preparations for the design, and have under consideration what probability the King had to expect success.

From the state of Scotland.

In the first place then, he was sure to be made welcome in *Scotland*, to have his right asserted by the parliament, and an army of thirty or forty thousand men (picked out of the many thousands that would have offered their service) raised, the nobility, gentry, and many of the commons, being prepared to receive him, and having provided themselves with good horses. The regular troops wanted ammunition and other warlike stores, and did not exceed two thousand five hundred men, of whom, at least, 2000 would have infallibly joined with him, nay, the very guards done duty on his person the first night he had landed; all the garrisons were unprovided, and must have yielded to the first summons; the equivalent money which came down the preceding summer from *England*, was still

still in the country, and a good part of it in the castle of *Edinburgh*; and would have helped well to carry on the war. A fleet of *Dutch* ships had some time before run a ground on the coast of *Angus*, wherein was a vast quantity of powder, cannon, and small arms, and a great sum of money, all which the gentlemen in that country would have secured: In short, all things concurred to render the design successful in *Scotland*.

In *England* the regular troops were *Of England.* scarcely five thousand Men, and those for the most part newly raised, the opposite parties and factions so numerous, and jealousies and animosities so great, that it might reasonably be expected (as it actually happened) all would be in the greatest confusion imaginable, for every party suspected the other was privy to the design; so that in all appearance every body would have succumbed, or if any resistance had been made, the *Scots* would have given such a diversion to the *English* arms, that *France* had a fair opportunity of reducing *Holland*, and by that means breaking the confederacy, and then the hardest part was over. It would appear odd that *England* should be thus caught napping, when, as I told you before, they knew what temper *Scotland* was in, and that there had been trafficking
with

with *France*, was no secret; for besides that the design was too much divulged at home: the Duke of *Hamilton* was assured by a certain general officer, that during the last campaign, the Duke of *Marlborough* had information of the whole project, from a person belonging to the Earl of *Melfort*, whether the *English* did not believe that the *French* King would have prosecuted the measures, or as some think, that the Duke of *Marlborough*, and the Earl of *Godolphin* were privy and had consented to it, or content it should go on, resolving e'er it ended to provide for their own security; or what other reason to assign for *England's* being so unprovided, is what I can not determine: but certain it was, that *England* was no ways in a readiness to oppose such a storm; and its more as probable, if the King had but once set his foot on the *Scots* shore, all his subjects would have soon submitted, the fatal union been dissolved, and himself restored to his crowns.

*From what
was requisite
on the King's
part.*

The King's part was to hasten over to *Scotland* to bring money, arms and ammunition for the men he could raise, where, upon his landing, to march strait to *Edinburgh*, there to proclaim himself King of *Scotland*, declare the union void and null, emitt a declaration

tion or manifesto, promising to maintain and govern his subjects of both kingdoms by the established laws thereof, calling a new and free parliament, to whom should be referred the determination of all religious affairs, and further providing for the security of both civil and religious concerns; lastly, requiring all his good subjects to assist him on his design of recovering his own and the nations rights and privileges, and as soon as the parliament had adjusted affairs, and formed an army, to march without delay into *England*. These then being the grounds whereupon the King was to form his design, let us return to where we left off.

No sooner did the *French* begin to make their preparation at *Dunkirk*, than all the world save *Scotland* was amazed! *England* was confounded, and *Holland* afraid of their own territories: But upon the King coming thither in person the design was clearly discovered in *Scotland*, nothing was to be heard but prayers for a lucky voyage: and when the time drew near, most people of note slipped privately out of *Edinburgh* to the country, to prepare themselves for joining the King. In *England* the consternation was general, the public credit gave way to so great a degree, and there came such a demand of money

French preparations at Dunkirk.

The effects thereof in Scotland.

In England,

*Preparations
in England.*

money upon the bank, that had the news of Sir *George Bing's* having chased the *French* off the *Scots* coast come a day later, it had broke and been shut up, and with it the credit of the government, which alone was a sufficient compensation for all the expence the *French* were at : However it being high time to provide against the storm, Major General *Cadogan* shipped in *Holland* ten *British* battalions to be ready to, and which actually did sail for *Tinmouth*, as soon as they were informed the *French* fleet was sailed. Among these troops were the Earl of *Orkney's* regiment, and the *Scots* fuziliers, who declared, they would never draw their swords against their country ; but before these troops could have come to *Scotland* the first brush had been over, and all things in a readiness to have given them a warm reception ; neither could the forces which were ordered to march from *England* (most of them being in the southern parts of it) and from *Ireland*, have come in time to prevent *Scotland's* being in arms, and drawn together to support their King and country, and in that case it would have been no easy matter to have disappointed them ; for as the quarrel was just, so were all men bent to hazard the utmost in defence of it : But that on which

which *England* depended most was the fleet, and indeed it is incredible how soon a mighty one was fitted out, which proved too strong for the *French*, and the only means to frustrate the design and undertaking; though had not several cross accidents happened, the *French* might have landed, notwithstanding the *English* fleet. As soon as the *French* fleet was ready to sail, the King dispatched Mr. *Charles Fleming* (brother to the Earl of *Wigton*) to acquaint his friends in *Scotland* thereof, and with him he sent several copies of a paper, containing instructions to his subjects how they were to behave, particularly desiring them not to stir till they were sure he was landed, and that then they should secure all the money, horses, arms and provisions that were in the hands of such as were not well affected to him, and even their persons if possible, and Mr. *Fleming* was to cause provide pilots to meet him at the mouth of the *Firth of Forth*, and guide his fleet up the same, being resolved to land on the south side thereof at or about *Dunbar*, Mr. *Fleming* arriving at *Slains*, the Earl of *Errol* immediately sent him to *Perthshire*, where he communicated his instructions to such as he thought proper. The Earl of *Errol* likewise sent Mr. *George* a skipper

in *Aberdeen*, to be ready to go from *Fifeness* with Mr. *Malcom* of *Grange*, to pilot the King up the *Firth*; and further desired him, to make a trip over the water to *Edinburgh*, and advertise Capt. *Straton*, and Mr. *Lockhart* of *Carnwath*, of Mr. *Fleming*'s arrival and instructions; which having accordingly done, instead of returning immediately to his post, he was so elevated with the honour of his employment, that he remained drinking and carousing with his friends in *Edinburgh* till it was so late he could not have liberty to repass the *Firth*: For by this time the public letters were full of the *French* preparations to invade *Scotland*; nay, the *French* King had solemnly taken leave of the King, and wishing him a prosperous voyage, concluded with a wish, *That he might never see him again*; and had ordered his ambassadors at foreign courts to notify his design to the Princes at whose courts they resided.

French fleet
sails.

All things being prepared, and the *French* ready to sail, on the 28th of *February*, the *English* fleet came before *Dunkirk*: Whereupon the *French* Admiral *Fourbin* sent an express to his master, from whom he received orders, that, notwithstanding the *English* fleet, he should endeavour to get out of *Dunkirk*; but, in the interim, the King became

came indisposed of the measles: Whereupon the troops disembarked for some few days, by which time the *English* fleet was returned back to the Downs, so that without any opposition, the *French* fleet sailed out of *Dunkirk*, on the 6th of *March*, about four o'clock in the afternoon; but the wind chopping about in the evening, they were detained in *Newport* pits till the 8th, at which time the wind proving fair, they set sail, and on *Friday* the 12th, in the afternoon arrived in the *Firth of Forth*, Arrived at
the Firth of
Forth. where at night opposite to *Crail* they dropt anchors, designing next morning to have sailed further up the river, and landed their men and ammunition; but early next morning, perceiving the *English* fleet was come upon them, they immediately cut their anchors, and having a good breeze of wind stood out to the ocean, and the *French* fleet, consisting of lighter and cleaner ships than the *English*, soon out sailed them, only the *Salisbury* (formerly taken from the *English*) during the chase, which lasted all day, fell into Sir *George Bing's* fleet, and was taken, aboard of which was the Lord *Griffin*, the Earl of *Middleton's* two sons, *Monf. La Vie* a Major-Gen. Colonel *Francis Wachop*, some more officers, and three or four hundred soldiers. The *French* fleet during the chase be-

b b 2 ing

*Council of
War aboard
the French
fleet.*

*The King's un-
doubted cou-
rage.*

*The fleet re-
turns to Dun-
kirk.*

ing separated did not rendezvous till the 14th, at which time being at a good distance from the *English* fleet, a council of war (as we are informed by a letter from *Monf. Gace*, now marshal of *Montignon*, then commander in chief of the land forces, aboard the fleet, to *Monf. Chamillard*, printed in the *History of Europe* for the year 1708.) was called, wherein the marshal proposed to the Admiral, that since they had been prevented landing in the *Firth*, they should land elsewhere, and *Inverness* was proposed; which the King agreeing heartily to, pilots were sent for: But, in the mean time, a storm arising, there was no getting to land to procure them, and the Admiral fearing great inconveniencies might happen in case the fleet should be separated (notwithstanding the earnest and pressing desires of the King, at least, to set him, and such as were his own subjects, ashore) steered his course directly to *Dunkirk*, where he safely arrived. This is the *French* account. But after this we shall take occasion to examine their conduct particularly, whether they might have landed in the *Firth* had they managed their affairs right. One thing is certain, had not the wind chopt about and kept them bound up in *Newport* pits, they might have been in *Scotland* before

Sir

Sir *George Bing* knew of their failing from *Dunkirk*; for having sailed from thence in the evening, e're next day they'd have been out of land's fight; but being wind bound in these pits occasioned their being discovered from off the steeples of *Ostend*. Notice of which being immediately dispatched to Sir *George Bing*, he instantly sailed with the *English* fleet, and arrived at the mouth of the *Firth* in the night time, some few hours after the *French*.

No sooner did the *French* fleet appear in the *Firth*, than an express was sent from *Dunbar* to notify the same to the Earl of *Leven*, commander in chief of the *Scots* forces, and his lordship was at a great deal of pains to make the world believe he could, and would make a vigorous defence; but it was well enough known that his army, altho' willing, was of too small a number to prevent the King's landing, or stand before him after he was landed. And of this he himself was so conscious, that he was positively determined to have retired with as many (which indeed were few) as would have followed him, to *Carlisle*, or *Berwick*. It is impossible to describe the different appearances of peoples sentiments: All this day, generally speaking, in every person's face, was to be observed an air of jollity

State of Scotland.

jolity and satisfaction, excepting the General, those concerned in the government, and such as were deeply dipt in the revolution, these indeed were in the greatest terror and confusion. And it was no great wonder that the Earl of *Leven*, did afterwards, in one of his letters to the secretaries of state, complain, that the jacobites were so uppish he durst hardly look them in the face as they walked in the streets of *Edinburgh*; for uppish they were indeed, expecting soon to have an occasion of repaying him, and his fellow rebels, in the same coin he and they had treated them for these twenty years past.

*The English
fleet comes up
the Firth.*

But next day advice was sent from Sir *George Bing*, that he had come up with, and was then in pursuit of the *French* fleet, and then it was that every body was in the greatest pain and anxiety imaginable; some fearing it would, and others, that it would not determine as it did. In this perplexity were people, when, on the next day being *Sunday*, a great number of tall ships were seen sailing up the *Firth*. This put our General in such a terror and confusion, as can scarcely be well expressed; he drew his army up in battle array on the sands of *Leith*, as if he'd oppose a landing, and in
this

this posture did he remain for several hours, when at last his fears, which truly had almost distracted him, vanished by the landing of a boat, which acquainted him, that it was the *English* fleet returned from chasing the *French*. For Sir *George Bing*, after a day's pursuit, finding the *French* out-failed him, tacked about for the *Firth* (which was the place he designed chiefly to guard:) Besides, he had sailed so unprovided, that most of his ships wanted water and provisions; here he lay several weeks, and for the most part the wind was easterly, so that he could not well have sailed down the *Firth*. And the *French* might, and every body believed would have landed in the *north*, or sail'd round and landed in the *west*; but, instead of that, they went sneakingly home, without doing any good, but, on the contrary, much harm to the King, his country, and themselves.

You have heard the reasons for the not landing alledged by the marshal of *Montignon*, in his letter to *Monf. Chamillard*; but these will appear too frivolous: And yet consider the want of resolution and firmness that has of late appear'd in the *French* councils, and 'tis not improbable, that having mist of the first aim of landing in the *Firth*, and being afraid of the *English* fleet's falling

falling upon them, they might be at a stand, and despair of succeeding. But is it not strange they should have undertaken such an expedition, and not reflected upon, and been provided with orders for all accidents that might happen? And was so extraordinary a thing, that they could not foresee that the *English* fleet (which was then at sea) might have endeavoured to prevent the landing in the *Firth*, and yet on such an emergency leave all to the Admiral's own disposal! but since, as I mentioned before, the King was so pressing to have landed on the *north*; I'm apt to believe *Fourbin* had secret orders from his master, which he did not communicate to the King. And therefore I can't altogether condemn those who are of opinion, that the *French* King did never design the King should land; for being fully persuaded and satisfied that the *Scots* were zealously bent to rise in arms, he might think, that upon his fleet's arrival on the coast, they'd have appeared; and having once set the island by the ears together, and kindled a civil war, he might spare his men and money, and reserve the King in his power to serve him on another occasion: Else, say they, Why did he not send such a number of forces as was capitulated? For the traitors demanded

manded six or seven thousand, and others ten thousand, which was promised, and yet they were but betwixt four and five thousand, and those none of the best; neither was the sum of money, nor quantity of arms, and other warlike stores, near so great as was demanded and agreed to. And since he had been at so much charges in equipping this expedition, and made such a noise of it all the world over, why did they not land in the *north* or *west*, where they could meet with no opposition! 'Tis true indeed, the *south* side of the *Firth* was the place advised, and most proper (tho' other places, both in the *north* and *west*, had been spoke of too) because the *north* country was secure against any attempts, and well inclined to serve the King; and the landing on the *south* side of the *Firth*, gained them *Edinburgh*, and opened a communication betwixt the *north* and the *south*, and the *west* of *Scotland*, and *north* of *England*; but sure the difference 'twixt *west*, *south*, and *north*, was not so great, as if any one failed the whole design was frustrated.

But not to insist further on the *French* King's secret designs (which are all mysteries to us) this is certain, that had the *French* managed their affairs right,

*On the Con-
duct of the
French Admi-
ral.*

right, they might have landed even in the *Firth*, for had they sailed their course directly from *Newport pits*, they might have reached it a day sooner than they did; but in place thereof, tho' they knew the *English* fleet was in quest of them, and that *England* and all the world knew of their design, stood out so far to the *north* seas for fear, as they since alledged, of alarming *England*, that the first fight they had of *Scotland* was near thirty miles to the *north* of *Aberdeen*, and so tho' they had the start by near a day of *Sir George Bing*, yet he arrived in the *Firth* in a few hours after them, and one of their ships which proved leaky, and was obliged to return to *Dunkirk*, and remained there two days after they sailed, reached the *Firth* several hours before them; and if it was true as I have been informed, that the *French King's* orders to *Fourbin* were, That provided he could land on any place on the *south* of the *Firth*, rather than lose the opportunity, he allowed him to destroy his ships and join his seamen to the land forces. Why did they drop their anchors at the mouth of the *Firth*, and lose half a day and a whole night? For had he sailed on, he might have reached the windings in the head of the *Firth*, before the *English* fleet could have come up

up to the *Firth*, and lain some time concealed from them who we saw knew not where the *French* were, but dropped their anchors too; but supposing the *English* had discovered them, next day they'd at least got so many hours sailing of them, that before they could have come up, their great ships might have been unloaded, and the lesser ones run into creeks and shallow places (which abound there) where the *English* big ships could not have come at them; lastly, it was unaccountable in them to come from *Dunkirk*, where were abundance of *Scots* seamen, who would have been glad of the occasion, and not bring a pilot who knew the coast with them, the loss of which they found when they arrived there, and were obliged to take in some fishermen for that purpose off of *Montrose*. I know some have attributed their landing to the Duke of *Peartb*, whose heart, they say, failed him when it came to the push; but for my part, I cannot conceive how this opinion or instruction could have that weight in the managing a matter of such importance; again it has been said, that the Earl of *Marishal* omitted to answer the signal of a ship, which was sent by agreement to the coast near his house, to learn intelligence from him of the state of affairs. 'Tis true indeed his lordship failed on his

his part, but can it be thought, that the vigorous execution of the project could stop on so slight a disappointment? Besides Mr. *Malcolm* of *Grange*, did actually go aboard that ship which I told you came after the *French* out of *Dunkirk*, and arrived in the *Firth* before the fleet, and informed them of all that was needful: But to leave these speculations with this animadversion, That the *French* might have landed, if they had pleased or managed their affairs right, and that time must discover the true reason of their not landing, of which (by the by) none of the court of *St. Germain*s, tho' often wrote to on this subject, will give any return, which makes it the most mysterious.

I proceed to tell you, never was a people so much disappointed as the *Scots*, all were ready to have shewn themselves loyal subjects, and good country men, particularly *Sterling* of *Keirseaton* of *Touch*, *Sterling* of *Cardon*,

having, as they thought, received certain intelligence, that the King was landed, mounted their horses, and advanced in a good body towards *Edinburg* from the shire of *Sterling*, but being quickly inform'd of the bad news, returned home again; however they were imprisoned and brought to a trial,

trial, as guilty of treason, by being in arms in order to join the Pretender, (the title now given to the King) but the probation against them being defective they were acquitted.

As soon as certain accounts of the *French* being ready to sail came to *Edinburgh*, Mr. *John Hamilton* son to Mr. *Hamilton of Wisbaw*, was dispatched to the Duke of *Hamilton*, and having reached *Ashton* in *Lancashire*, in three days, gave his Grace an account of the joyful news, whereupon he made all things ready, and sat up three nights expecting every moment the other express with the account of the King's being actually landed, in which case, he was resolved with about forty horses to have rid night and day, and forced his way from the messenger (his Grace being put in messengers hands upon the first account of the invasion, by orders of the council of *England*) and thro' the country, till he had reached *Scotland*, which no doubt he might and would have accomplished; but, alas, the first news he had was of the sad disappointment.

It is too melancholy a subject to insist upon the grief their disastrous expedition raised in the hearts of all true *Scots* men, the reader may easily conceive it was very great, since thereon de-

*Of the Duke
of Hamilton.*

depended the nation's freedom, from oppression and slavery.

Of the Revolutioners.

Many made Prisoners.

On the other hand, the revolutioners were not able to bear the good fortune, but triumphed over all they thought inclined towards the King against the Union. Immediately the castles of *Sterling* and *Edinburgh*, and all the prisons in *Edinburgh*, were crammed full of nobility and gentry : At first, no doubt, the government expected to have had proof enough to have brought several of them to punishment, but failing, blessed be God, in that, the next use they made of them, was to advance their politics ; for no sooner did any person who was not of their party pretend to stand a candidate to be chosen a parliament man at the elections, which were to be next summer, but was clapped up in prison, or threatened with it if he did not desist ; and by these means, they carried, generally speaking, whom they pleased ; but to return to the prisoners, after they had been in custody for some weeks, orders came from *London* to send them up thither, which was accordingly done, being divided in three classes, and sent up three several times, led in triumph under a strong guard, and exposed to the raillery and impertinence of the *English* mob, and now it appeared to what

Sent to London.

what a fine market *Scotland* had brought her hogs, her nobility and gentry being led in chains from one end of the island to the other, merely on account of suspicion, and without any accusation or proof against them. Whilst this was a doing the Duke of *Hamilton* being likewise brought up prisoner to *London*, and taking the advantage of the discords betwixt the treasurer and the whigs, struck up with the latter, and prevailed with them to obtain not only his, but all the other prisoners liberation, (excepting the *Sterling-shire* gentlemen, who were sent home again to undergo their trial) upon their finding bail to appear again against a certain day (which was likewise soon remitted) and engaging to join with them (the whigs) and their friends in *Scotland*, viz. (the squadron) in the election of the peers for the parliament of *Great Britain*, which having accordingly done, several of the court party were thrown out; this certainly was one of the nicest steps the Duke of *Hamilton* ever made, and had he not hit upon this favourable juncture, and managed it with great address, I am afraid some heads had paid for it, at best they had undergone a long confinement; so that to his Grace alone the thanks for that deliverance was owing.

*The Duke of
Hamilton ob-
tains releas-
ment.*

Having

Start here

Having thus finished the account I designed to give of the *Scots* affairs, I may appositively conclude with the words of *Æneas*, when he begun his melancholy story,

— *Quis talia fando*
Myrmidonum, Dolopumve, aut duri
[Miles Uliſſes,
Temperat a Lacrymis ?

and surely the consideration of *Scotland's* present circumstances must be grievous to any, that will but take a short view of the state from which that kingdom is fallen, and what it was before *England* usurped such a dominion over it.

*The respect
 due to the
 kingdom of
 Scotland.*

And first then, notwithstanding the false assertions of the *English* historians of old, and the late attempts of the learned *Usher* and *Stillingfleet*, the great *Mackenzie*, and others have made it clear, that the *Scots* nation is for its antiquity, and upon the account of its being govern'd by a race of Kings of one and the same lineal succession, altogether independent, and notwithstanding the many attempts, yet never conquered, nor under the dominion of any other Prince or State whatsoever, preferable to all the nations in *Europe*. Old *England* indeed will tell you, that *Scotland* was

was not worth the pains of conquering ; but I must beg leave to say, that reflection is not to be regarded, for 'tis well known the *English* vanity and self-conceitedness reaches so far, as to despise all kingdoms but their own, and all people but themselves, on which account all the world hates them ; but besides, there is no ground for this assertion, for 'tis plain, the *Romans* were not of this mind, else they would not have been at so much pains to reduce the *Scots*, the *Danes*, *Normans* and *Saxons*, (that is to say all the different nations that prevailed, as soon as they attempted the conquest of *England*) did not remain satisfied with *England*, but spent much blood to reduce *Scotland* likewise ; but to close up all, has *England* spared her blood ? No ; the many bloody battles fought in all ages with various success, manifests the contrary. Did she spare her treasury ? No ; the vast sums expended by her Kings, and to say no more, the late equivalent testify otherwise. Did she neglect any means fair or foul to reduce *Scotland* ? No ; King *Henry VII.* preferring the *Scotch* to the *French* King, when both demanded his daughter in marriage. King *Henry VIII.* desired to marry his son to *Queen Mary*, and the great terms offered afterwards by that prince to obtain her ; the trea-

cherous dealings of their beloved *Edward I.* in the case of *Bruce* and *Baliol*, the inciting the subjects of *Scotland* to rebel against, and the ungenerous murder of *Queen Mary*, by their pious *Queen Elizabeth*; and the constant bribes bestowed by the ministers of *England*, since the accession of the *Scots* race to that crown, are all, besides many more here omitted, evident proofs, that *England* coveted nothing so much as a reduction of *Scotland*.

Scotland a
good Country.

That this should be so, is no strange thing, for tho' *Scotland* is not the best, yet neither is it the worst country in *Europe*, and God has blessed it with all things fit for human use, either produced in the country itself, or imported from foreign countries, by barter with its product; so that the necessities, and even comforts and superfluities, of life, are as plentiful there as any where else.

Scots Men
Brave

As for the inhabitants, none, I think, will deny them to have been a brave, generous, hardy people; if any do, there's no nation in *Europe* but can furnish instances of heroic actions performed by *Scotchmen*, who have been honoured and employed in the greatest trusts in latter and former ages; and that this has not been confined to some single persons starting up now and then, (which happens in the most dasterdly, coun-

countries) but that they have constantly behaved themselves well; the *French* and *English* may be allowed competent judges to determine. The former, in old times, owed much to the *Scots* valour, in assisting them against the latter; and these having in many pitched battles, besides a thousand skirmishes and incursions, found the sad effects of it, and even in this present age have not been a little obliged to the *Scotch* valour in the wars with *France*, tho' when they conquered for *England*, they did but drive the *English* chains so much the harder and faster upon *Scotland*; but I need not insist upon what all histories agree in; and since a full account of the achievements of the *Scots* heroes is shortly expected from Dr. *Abercrombie*.

As the *Scots* were a brave, so likewise a polite people; every country has its own peculiar customs, and so had *Scotland*; but in the main they lived and were refined, as other countries, and this won't seem strange, for the *English* themselves allow the *Scots* to be a wise and ingenious people, for say they to a proverb, *They never knew a Scots man a Fool*. And if so, what should hinder them from being as well bred and civilized as any other people? Those of rank (as they still do) travelled abroad into foreign countries for their

Polite.

improvement ; and vast numbers, when their country at home did not require their service, went into that of foreign princes, from whence, after they had gained immortal honour and glory, they returned home ; and as it is obvious, that at this very time, (which must chiefly proceed from this humour of travelling, the *Scotch* gentry do far exceed those of *England* ; so that in the one you shall find all the accomplishments of well-bred gentlemen, and in your country *English* Esquires, all the barbarity imaginable ; so doubtless the odds was the same, nay, greater in former ages ; for the *Scots* took as great care to improve themselves then as now ; whereas 'tis well known, that it is but of late, that any inclination to travel has seized the *English*, (tho' not near to such a degree as in *Scotland*) and that the improvement of their gentry is much owing to their being employed of late in the armies abroad. At home the *Scots* King kept a court, to which resorted ambassadors from foreign Princes, and to whom again ambassadors were sent from *Scotland* ; and that the *Scotch* court was sufficiently splendid may be easily guessed at, were it from no more, but the stately fabricks of King *James* the Vth's palaces, (*viz. Stirling, Linlithgow,*

Jitbgow, Faulkland, and Holywood-house) he being the best lodged prince of any in *Europe* at that time, from the acts of parliament regulating the apparel and attendance of people of all ranks, and mentioning the numerous offices belonging to the King's family, and from the high and honourable offices of state.

As *Scotland* was a brave and polite nation, so likewise from thence arose great numbers, famous in all ages for all kinds of learning; here the christian religion soon took footing, and was preserved in purity, when most other nations were corrupted; and tho' in process of time, the Church of *Scotland* became, as did the rest of *Europe*, subject to the papal hierarchy, yet she was amongst the first that shak'd it off. The happy constitution of government, well digested laws, and regular courts and forms of justice, established in *Scotland*, are a plain proof, that the *Scots* were a wise and learned people; Besides, the numerous colonies of learned men (as all histories, and particularl Dr. *Mackenzie's* late Treatise do give an account of) furnished by *Scotland* to foreign countries, is an undeniable testimony of it. Some may hence infer, that there was no encouragement for learning at home, but that

that is a great mistake, for 'tis well known, that the churches and universities of *Scotland* were not only adorn'd with noble fabricks, but likewise endowed with considerable revenues in the time of popery; and even since the reformation, there was a more orderly and equal distribution of the clergy's revenues in *Scotland* than in *England*. 'Tis true indeed, in the former, none were so largely, or rather profusely provided, as some in the other; but there was none but had a sufficient competency thereupon to live easily and conveniently (which can't be said of *England*) and before the abolition of episcopacy, the bishopricks and deaneries were a sufficient encouragement for study, and had the desired effect.

Powerful.

I proceed next to consider her power. And here we shall find *Scotland* courted by all the neighbouring states, and the Kings matching themselves and daughters with the greatest potentates, 'Tis true indeed, her situation led her to have most to do with *England*; and hence it was, that she always joined to prevent *England's* growing power. And this was the origine of the famous league entered into by *Charlemian*, and *Acbaius*, a league which their posterity for many ages kept so inviolable, and proved

proved so advantageous for both the kingdoms of *France* and *Scotland*, that no history relates the parallel of it. The *Scots* King was without doubt a powerful Prince. 'Tis foreign to my purpose to debate whether he had an absolute or limited power; so far is certain, he was endowed with a revenue consisting of duties upon trade, the redendo's of his subjects estates (which all held of him as their supreme Lord and superior, and did pay a yearly rent, or few and the crown lands; which sufficiently enabled him to keep a splendid court, and maintain the dignity of his royal character. 'Tis but a late practise to impose taxes thro' the country, and formerly there was no occasion for them; for when the nation's service required, the subjects were obliged, and did attend the royal standard where they maintained themselves, and gave as signal proofs of fidelity and courage as the mercenary troops now a days. In those happy days the King fought for the people, and they for the King, against the common enemy; looking upon their interests and prosperity to be reciprocal. And by these means they did, for many hundreds of years, defend themselves against the powerful attempts of the *Romans*, *Picts*, *Normans*,
Danes,

Danes, Saxons, and kingdom of *England*, bringing into the field armies consisting of ten, twenty, thirty, forty, or fifty thousand men: Nay, not only defended their own limits, but had men to spare for the assistance of their allies abroad, it being universally known, that not only private persons flocked over to the assistance of *France*, but even royal armies were sent, as during the captivity of King *James I.* and afterwards led in person by King *James V.* when he understood the *French* King was hardly put to it: And I'm told, there are still to be seen in *France* authentick records of that Prince's having lent the *French* King eleven ships of war, one whereof was the biggest then in *Europe*; which leads me to mention, that not many years ago the *Scots* were able to keep their own with, nay, fight and defeat the *English* fleet at sea.

Industrious.

Neither were those wanting who did prosecute trade, and brought home riches to themselves, and the country; which is sufficiently conspicuous from the many considerable towns situated over all the kingdom, where the merchants lived and followed their trades and employments, and from the stipulated regulations and privileges of trade with *France, Holland, Dantzick, &c.*

To

To conclude: The *Scots* were a *Loyal, and*
 people loyal to their King, and zealous asserters of their liberties; there *Asserters of*
 needs no greater proof of the first, than *their Liberties.*
 the lineal succession of so many Kings
 of one and the same race and descent.
 And where is the nation can boast of
 the like? And the other is as evident
 from the gallant opposition they made
 to all invaders. How manfully did
 they recover their country and liberties
 under the conspicuous command of
 King *Fergus II.* when their enemies
 flattered themselves, that the name of
Scot was wholly extirpated out of the
 island? How highly did they resent
Baliol's base surrender of the independ-
 ency of the kingdom? ('tis more as
 probable, these, our progenitors, would
 never have entered into a Union with
England; and how courageously did
 they stand it out under the happy con-
 duct of King *Robert Bruce*, against the
 reiterated efforts of *England*; and, at
 last, after the effusion of much blood,
 drive these invaders out of the country,
 and fill their souls with such an appre-
 hension of the *Scotch* valour, that even
 their own historians own fifty *English*
 would have fled before a dozen of the
Scots? And now show me any country
 but *Scotland* that can boast of having
 defended their liberties so long and so
 va-

valiantly against a more powerful and numerous people bent upon their ruin, and that frequently without the assistance of allies; and having nothing to confide in save their own heroic valour, and God's blessing, by the means of which they always made good their King's motto——

Nemo me impune laceſſet.

In these happy circumstances, and under this glorious character, was the *Scots*-nation of old. But that kind providence which had supported her so many hundreds of years, at last grew weary, and entirely deserted her after King *James VI*'s accession to the throne of *England*. For the Union of the two crowns may be reckoned the fatal *Æra* from whence we are to commence *Scotland*'s ruin: And whoever will consider the history of the two preceeding reigns, and the minority of this, may perceive the face of affairs mightily altered, and paving as it were the way to accomplish the ruin of the kingdom. Formerly the animosities and feuds proceeded from the quarrels of one family with another, or the ambition of some aspiring great man; but then the authority of the King did dissipate and quash them, and they never, or at least seldom

seldom failed to be suspended when the honour and defence of their King or country required it. And if there was any who did on such occasions continue obstreperous, or side with the enemy, they were esteemed by all their fellow subjects, and declared and treated by the states, as rebels. So that the *English* seldom or never reaped much advantage of intestine divisions, and to this unanimous and hearty concurrence of all the subjects towards the defence of the country, is chiefly to be ascribed to the so long continuance and duration of the *Scots* kingdom and monarchy; but in these latter days differences of religion came in the play, which stirred up the consciences of some, and were a fair pretence to cover and carry on the ambition and selfish designs of others: Of which Queen *Elizabeth* taking advantage, so fomented and encouraged the divisions (by supporting the weaker party, and keeping the contenders in an equal power as possible, that so they might destroy one another) that the nation was totally divided, and at odds. And such grudges and heart burnings arose as have never been abated, far less extinguished to this very day, and did at last bring the kingdom to ruin. When King *James* succeeded to the crown of *England*, people were
 weary

weary of these disorders, and flattered themselves with the hopes that now he'd be in a capacity of establishing peace and order : But 'tis amazing, that tho' the people were weary of these wars, civil and foreign, which had raged in the country for so many preceeding years, they did not foresee that to be freed thereof by the Union of the two crowns, was such a chance, as to leap out of the frying-pan into the fire. For who is it that would not prefer the greatest hardships attended with liberty, to a state that deprived him of all means to defend himself against the oppressions that must inevitably follow ? And who is it that would not foresee that such consequences would follow the Union of the two crowns ? We are told, that when King *James* was preparing to go and take possession of his crown of *England*, his subjects of *Scotland* came to take their leave of him, and convey him part of his way thither, with all the state and magnificence imaginable ; but amongst these numerous attendants, deck'd up in their finest apparel, and mounted on their best horses, there appeared an old reverend gentleman of *Fyfe*, cloathed all over in the deepest mourning ; and being asked why, whilst all were contending to appear most gay on such an occa-

occasion, he should be so singular? Why truly, replied he, there is none of you congratulate his Majesty's good fortune more than I do, and sure I am to perform my duty to him; I have often marched this road, and entered *England* in an hostile manner, and then I was as well accoutered in clothes, horses and arms, as my neighbours, and suitable to the occasion; but since I look upon this procession, as *Scotland's* funeral solemnity, I'm come to perform my last duty to my deceased and beloved country, with a heart full of grief and in dress correspondent thereto. This gentleman, it seems, foresaw, that by the removal of the King's residence from *Scotland*, the subject wanted an occasion of making so immediate an application to the fountain of justice, and the state of the nation could not be so well understood by the King; so that the interest and concerns of every particular person of the nation in general would be committed to the care of the ministers of state, who acting with a view to themselves, could not fail to oppress the people: He foresaw that *England* being a greater kingdom, made (as said *Henry VII.* when he gave his daughter to the King of *Scotland*, rather than the King of *France*) an acquisition of
Scot-

Scotland, and that the King would lie under the necessity of siding with, and pleasing the most powerful of his two kingdoms, which were jealous of, and rivals to one another, and that therefore ever after the Union of the crowns, the king would not mind, at least dare encourage the trade of *Scotland*, and that all state affairs would be managed, laws made and observed, ministers of state put in and turned out, as suited best with the interest and designs of *England*; by which means trade would decay, the people be oppressed, and the nobility and great men become altogether corrupted. Besides these inconveniencies which would arise from the management of public affairs, he likewise foresaw, that the very want of the royal presence necessarily would occasion other losses: It deprived the kingdom of a court, where was spent the revenues of the crown, and which drew foreigners to the country, and was an encouragement to trade, artificers, and the manufactures of the country: So that the product of the country would prove a drug, and the species of money be drawn from thence, and vast numbers be obliged to desert the kingdom for want of employment, and others flock to *London* to make interest at court, to obtain redress

dress of their grievances, or places, or preferments; which besides would not be so numerous as when the court remained in *Scotland*.

As these, and many more such like were the obvious and plain consequences of the union of the two crowns, it is strange the Parliament of *Scotland* took no care, to provide at least, that after the decease of his Majesty the two Crowns should disunite and be enjoyed by different stems of the royal line. This is what other nations, nay private families, usually have done. But the truth on't is, the preceding glooms and hopes of better times drew people in to neglect this measure, and King *James* proved so kind to his countrymen (many of them he advanced to great posts in *England*) that others, without thinking, drove on till they had run themselves and country over head and ears into the gulph, tho' they might easily have foreseen that as *Pharoah* arose who proved unmindful of, and unkind to the *Jews*; so their beloved King (who being born and bred amongst them, knew and loved them) could not always live, and would be succeeded by Kings strangers to them, and would rule them as seemed most for the advantage of their other designs. And lastly, in process of time, the nobility

nobility and gentry turned, generally speaking, so corrupted by the constant and long tract of discouragement to all that endeavoured to rectify the abuses, and advance the interest of the country, that the same was entirely neglected, and religion, justice, and trade, made tools of to advance the private and sinister designs of selfish men: And thus the nation being for a hundred years in a manner without a head, and ravaged and gutted by a parcel of renegadoes became, from a flourishing happy people, extremely miserable, hewers of wood, and drawers of water: For at the Union of the two crowns, the odds betwixt *Scotland* and *England* was computed but as one to six; whereas at the Union of the two kingdoms, at about one to fifty: The plain reason of which was, that ever since the *Scots* King's accession to the *English* crown, *Scotland* has been on the decaying hand, and *England* (and all the states of *Europe*) advancing thorough the encouragement and protection they met with in advancing and carrying on their trade; but no sooner did *Scots* men appear inclined to set matters upon a better footing, than the Union of the two kingdoms was projected, as an effectual measure to perpetuate their chains and misery.

It



have resented it with fire and sword ? For my part I am afraid, the indignation of God was stirred up upon this account against his posterity ; and that particularly in the case of his son *Charles I.* God visited the iniquity of his father committed by shewing so little duty and natural affection to his mother, and regard and value for the sacred rights of crowned heads : For though we often read of conquerors having dispatched conquered Kings, and subjects murdering their sovereigns ; yet she was the first instance of a royal pannel, and the only precedent to the hard fate of her grandson.

The other consideration, is the share the *Scots* had in the rebellions against King *Charles I.* and King *James II.* for sure it was both their duty and interest to have assisted and supported them against their rebellious subjects of *England* : But to act the part they did, was, besides the folly, such a crime, as I am afraid is not wholly as yet avenged, and has had no final share in bringing us to the miserable state to which we are reduced. The *Jews* were God's peculiar chosen people, and he assured them a more particular and immediate share in the administration of affairs in *Jewry*, than in other Nations ; but upon their rebelling against him and his anointed,

anointed, he gave them up to the power and laws of a foreign people, and at last subverted their monarchy, defaced their government, destroyed their country; and as the greatest temporal curse, cut them off from having the name of a people on the face of the earth. How near a relation there is betwixt the gross and crying sins of the Jews, and those of *Scotland*, and what a resemblance there is in their punishment, let such who have had any share in promoting the first, or executing the last, seriously consider.

F I N I S.

THE
APPENDIX
TO THE
MEMOIRS.

IN the preceding memoirs I have given a particular account of what appeared to me, the Origine of the Treaty of Union, and of the several views and designs of the *Scots* and *English* whiggs and courtiers in carrying on and concluding the same, and have taken notice of the many cross accidents and disappointments which happened to those who opposed it, and of the various, illegal and arbitrary methods that were made use of to make the *Scots* members swallow it down.

But since the compiling these memoirs a further discovery hath been made, which evidently verifying what was with too much reason suspected, *viz.* that money was remitted to *Scotland* from *England* and employed in bribing members of parliament.

parliament. I shall give a very distinct and clear account of the matter, as it was discovered and reported to the British parliament by the commissioners, appointed in the year 1711, for making, stating, and examining the public accounts of the kingdom.

These gentlemen having got the scent, so closely pursued the game, which they discovered from Sir *David Nairn* late secretary depute of *Scotland*, that the sum of 20000*l.* sterling was remitted by the treasury of *England* to the Earl of *Glasgow*, in the year 1706. The occasion of which was this.

After the treaty of the union was concluded at *London*, the ministers of state in *Scotland* being sensible that they would meet with great opposition in the carrying on their designs in parliament, and chiefly in the affair of the union, did conclude it was absolutely necessary to make payment of part of the arrears of salaries and pensions, lest some of the persons to whom these arrears were due, might prove humorous and ungovernable, and the *Scots* funds being all anticipated, they applied to the Queen, laid a state of her *Scots* revenue and debts before her, and prevailed upon her to lend her *Scots* treasury the sum of 20000*l.* to be employed for payment of part of these arrears and salaries. That this was the origin and pretence of that loan, and remittance of money is evident from the Queen's letter to the Lords of that treasury, a copy whereof the said Sir *David Nairn* did upon

upon oath exhibit to the commissioners of accounts, which was by them delivered into the parliament, and is as follows.

Right trusty, and right well beloved cousin and councillor, right trusty and entirely beloved cousin and councillor, right trusty and well-beloved consins and counsellors.

We greet you well,

‘ **W**HEREAS there has many Representations been made to us by
 ‘ our servants, and by those who have
 ‘ been employed in our service, desiring
 ‘ payment of what is justly owing to
 ‘ them by us: we did thereupon order
 ‘ you to lay before us the state of these
 ‘ funds, and it appearing that they are
 ‘ entirely exhausted and pre-engaged for
 ‘ some time to come, so that there remains
 ‘ nothing at present for defraying
 ‘ the charges of our government, or
 ‘ paying the debts of the civil lists,
 ‘ and being desirous to do all that lies
 ‘ in our power for defraying the charges
 ‘ of our government, which is so indispensable
 ‘ necessary for our service, and to
 ‘ enable you in some measure to pay such
 ‘ part of the debts of the civil list as we
 ‘ shall by particular warrants direct, we
 ‘ have therefore remitted unto you the sum
 ‘ of 20000*l.* sterling, to be depozed of by
 ‘ you for the ends and uses above mentioned,
 ‘ in such manner as you shall find
 ‘ most fit for our service, and for which
 ‘ sum you are to hold account to us, and
 ‘ you

‘ you are to pass an act of treasury, acknowledging that you have received the
 ‘ said sum in borrowing, to be refunded to
 ‘ us out of the funds of the civil list, or
 ‘ for paying the debts thereof, and that at
 ‘ such a time as we shall demand the same:
 ‘ For doing of which, this shall be your
 ‘ warrant, and so we bid you heartily farewell.

Given at our court of *Windsor-Castle*, the
 12th day of *August* 1706, and of our
 reign the 5th year.

By her Majesty’s command,
London.

After the *Scots* ministers of state had prevailed with the Queen to write this letter, and advance this sum, they went to *Scotland*, and finding the country extremely bent against, and averse to the union, they conceived it improper to deliver and read the Queen’s letter to the treasury, and own the receiving of this money from *England*, lest it had afforded a handle to strengthen and increase the opposition to the union; for at that time of the day, every body would have believed that this money was remitted to bribe members of parliament; to prevent which, they purposed to change the course, in which the Queen had placed this loan, and for that purpose wrote the two following letters to the Earl of *Godolphin*, then Lord High Treasurer of *England*; copies of which Sir *David Nairn* likewise delivered on oath to the commissioner of accounts.

My

My Lord,

WE are convinced, that what her Majesty by her royal letters to her treasury here has promised to advance for defraying the necessary charge of the government, and paying some part of the debts of the civil list, is so needful, that the government could not subsist without it, all the funds of the civil list being so far pre-engaged, as did plainly appear to her Majesty before granting of that letter; neither can we think there can be any reasonable objection to the doing of it, but because opposers will do every thing in their power to obstruct the union, and might probably make some noise if the letter were read in the treasury before the meeting of the parliament, and before the treaty is well received; we think it therefore necessary for her Majesty's service for some time to delay making use of the letter, and have thought it fit to represent this to your Lordship, and to desire that in the mean time 10000*l.* may be paid to Sir *David Nairn*, upon his receipt to your Lordship; whereof the said Sir *David* is to retain 4500*l.* on my Lord Commissioners account, which sum his grace my Lord Commissioner, is to allow for his equipage and daily allowance, and for the remaining 5500*l.* the said Sir *David Nairn* is to give an obligation to your Lordship, to remit the same to the Earl of *Glasgow*, who has given us obligation to disburse the said sum by her Majesty's order, or acts of treasury in *Scotland*, so soon as the same comes to his hands, and
the

' the said Sir *David's* receipt and obligation
 ' in the terms above mentioned, shall oblige
 ' us to procure to your Lordship's from the
 ' treasury of *Scotland*, a receipt in the terms
 ' of her Majesty's letter for the said 10000*l.*
 ' in a short time, when it may be more
 ' seasonable and convenient for her Ma-
 ' jesty's service to present it. We earnestly
 ' intreat your Lordship to grant this our
 ' desire, being so necessary for her Ma-
 ' jesty's service.

We are my Lord,
 your Lordship's
 most obedient, and
 most humble servants,
Queensbury, Seafieid,
Mar, London, Glasgou.

My Lord,

' **Y**OUR Lordship having complied
 ' with what was in our former letter
 ' has been of great use for her Majesty's
 ' service. We now again find our selves
 ' obliged to desire, that the rest of that
 ' sum agreed to be lent to the treasury of
 ' *Scotland*, being 10000*l.* be likewise re-
 ' mitted as soon as possible; we have been
 ' obliged to give promises to several persons
 ' for a considerable part of arrears, and
 ' without this sum they will be disappoint-
 ' ed, which may prove of bad consequence.
 ' We all agree in this, that it is unfit as yet
 ' to make use of her Majesty's letter to her
 ' treasury here, or to have it known that her
 ' Majesty lends any money to her treasury;
 ' but afterwards we shall, in the safest and
 best

' best method, advise in what manner, that
 ' her Majesty proposes in her letter may be
 ' most effectually done; and in the mean
 ' time, no money to be remitted shall be
 ' employed but for the commissioners daily
 ' allowance, the payment of the salaries of
 ' the other servants, and for payment of a
 ' part of the debts upon the civil List,
 ' since her Majesty's accession to the crown.
 ' We desire your Lordship may pay in the
 ' money to Sir *David Nairn*, and take his
 ' receipt for the same, together with his
 ' obligation to remit the money to the
 ' Earl of *Glasgow*, Lord Treasurer Depute.
 ' And we hereby declare, that his receipt
 ' and obligation, together with this letter,
 ' shall be effectual for the ends proposed in
 ' her Majesty's letter to the treasury here.
 ' We are with great respect.

My Lord,

your Lordship's

most obedient, and

most humble servants,

Queensbury, Seafieid,

Mar, Loudon, Glasgow.

The Earl of *Glencairn* having nothing so
 much at heart as the preventing of every
 thing which might obstruct the union, was
 pleased to grant the desire of these noble
 Lords; and though the Queen had expressly
 required that the *Scots* Lords of the treasury
 should give her treasury in *England* a public
 security for the re-payment of that money,
 did accept of the Lords missive letters as a
 sufficient security for the same, and ordered
 the

the money to be paid to Sir *David Nairn*, who carefully, about the time that the *Scots* parliament met, remitted it to the Earl of *Glasgow*, to be employed by his Lordship for promoting his countries ruin and misery.

This money being remitted after this manner, was attended with another advantage besides the concealing it was from *England*; for had the loan been as the *Queen* designed it, publicly owned and received, all the several persons, who had arrears due to them would certainly have expected, and could not well have been refused a share thereof; but now the ministers of state were absolute masters of it, and could secretly (which was a great point) dispose of it, to whom, after what manner, and to what purposes they pleased. And fatal experience teaches us, that they did it to the best advantage, by distributing it after the manner, and to the persons contained in the following account, exhibited on oath by the Earl of *Glasgow* to the commissioners of accounts.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
To the Earl of <i>Marchmont</i>	1104	15	7
To the Earl of <i>Cromarty</i>	300	0	0
To the Lord <i>Prestonhall</i>	200	0	0
To the Lord <i>Ormiston</i> , Lord } Justice Clerk	200	0	0
To the Duke of <i>Montrose</i>	200	0	0
To the Duke of <i>Athole</i>	1000	0	0
To the Earl of <i>Balcarras</i>	500	0	0
To the Earl of <i>Dunmore</i>	200	0	0
To the Lord <i>Anstruther</i>	300	0	0
To Mr. <i>Stewart</i> of <i>Castle-</i> } <i>Stewart</i>	300	0	0
			To

To the Lord <i>Elphinston</i>	200	0	0
To the Lord <i>Frazer</i>	100	0	0
To the Lord <i>Cesnock</i> , now } <i>Palworth</i>	50	0	0
To Mr. <i>John Campbell</i>	200	0	0
To the Earl of <i>Finlater</i>	100	0	0
To Sir <i>Kenneth Mackenzey</i>	100	0	0
To the Earl of <i>Glencairn</i>	100	0	0
To the Earl of <i>Kintone</i>	200	0	0
To the Earl of <i>Frazer</i>	100	0	0
To <i>John Muir</i> Provost of } <i>Air</i>	100	0	0
To the Lord <i>Forbis</i>	50	0	0
To the Earl of <i>Seafield</i> Lord } Chancellor	490	0	0
To the Marquis of <i>Tweeddale</i>	1000	0	0
To the Duke of <i>Roxburgh</i>	500	0	0
To the Lord <i>Ellibanks</i>	50	0	0
To the Lord <i>Bampf</i>	11	2	0
To Major <i>Cunningham</i> of } <i>Echet</i>	100	0	0
To the Messenger that } brought down the } Treaty of Union	60	0	0
To Sir <i>William Sharp</i>	300	0	0
To <i>Patrick Coultrain</i> , Pro- } vost of <i>Wigton</i>	25	0	0
To Mr. <i>Alexander Wedderburn</i>	75	0	0
To the Commissioner for } Equipage and daily } Allowance	12325	0	0
20540 17 7			

Which ballance of 540*l.* 17*s.* 7*d.* was
as the Earl of *Glasgow* did acknowledge,
paid.

paid him by the Earl of *Godolphin*, when he accounted to his Lordship for the 20000*l.* he had received as aforesaid, and expended as by the particulars mentioned in the above-said account.

The commissioners of accounts in their report of this affair to the parliament, do observe, that they are at a loss to explain some expressions in these letters (meaning two letters from the *Scots* Lords to the Earl of *Godolphin*) such as that opposers to the union would make some noise if her Majesty's letter were read in the treasury; that they had been obliged to give promises to several, and without the sum desired, they would be disappointed, which might prove of bad consequence; that they would not have it known that her Majesty lends any money to her treasury; and then these commissioners add, that they will not presume to guess at the reasons of these insinuations; but humbly conceive, that if the money had been fairly applied to the pretended purpose, there could have been no such occasion for so much caution and jealousy.

Such as endeavoured to justify the conduct of the ministers of state in this matter, seem to wonder how the paying of just debts can be reckoned a fault, and especially a bribing of members of parliament.

To which I answer, that it may with far more reason be alledged, that the bestowing of employments would not admit of such a construction, since there must under all governments, and in all countries, be employments and persons appointed to officiate
in

in them; and yet, who is it that does not know, that often, nay, for the most part, all pensions and employments have been bestowed, or continued, in order to procure friends to assist the designs of such as have the disposal of them.

But supposing that this matter, when taken in a general view, might be fair, and could be justified, yet the tables turn if you'll consider the particular case and circumstances of it; for tho' the ministers of state in *Scotland* were very lavish in obtaining pensions to stop the mouths of hungry gapers, yet they seldom or never paid them, but as a particular favour, and upon particular views; and who ever will impartially reflect upon the grand affair under agitation; when this pretended payment of arrears was made; and place from whence the money; the clandestine manner of obtaining and disposing of it; and lastly, that all the persons (excepting the Duke of *Athole*) on whom it was bestowed, did vote for, and promote the union: Whoever, I say, will impartially reflect upon these particulars, must conclude that the money was designed and bestowed for bribing of members of parliament.

I mentioned that the Duke of *Athole*, notwithstanding he got part of this, did oppose, the union; and this some would urge as an argument, to prove the same was not applied as hath been alledged.

But alas! *One swallow does not make a summer*; and tho' his Grace did nevertheless stand his ground, yet who knows what the managers

managers did expect, and with what intention they gave it?

But what follows puts this matter beyond all manner of controversy; for the commissioners of accounts having required from the auditors of the exchequer in *Scotland*, an account of all pensions and salaries due at any time, from the Queen's accession to the commencement of the union, to the persons contained in the aforesaid account, exhibited by the Earl of *Glasgow*; and a particular account of all payments, and the time when made, to such persons, on account of such pensions and salaries: It did appear from the return, that several of these persons such as the Dukes of *Montrose* and *Roxburgh*, *Kenneth Makeny*, the Earl of *Balcarras*, *Pat. Coultain*, *John Muir*, the Lords *Frazer Bampf*, and *Ellibank*, had no manner of claim, all that they on such pretence could have demanded, being paid to, and discharged by them a considerable time before the distribution of this money; and others, such as the Dukes of *Queensbury* and *Athole*, Lords *Elphinston* and *Anstruther*, Mr. *Stewart of Castle-Stuart*, Lord *Prestonhall*, and Marquis of *Tweeddale*, gave no acquittance for, nor is there any notice taken in the records of the treasury, of the money they thus received from the Earl of *Glasgow*; so that in a few months thereafter, when they obtained certificates from the Lords of the treasury of what was due to them on account of arrears of pensions and salaries, some of them had no regard at all, and others only in part, to what they had received from the Earl of *Glasgow*, and being thus entituled
to

to the full of their arrears out of the equivalent, many were consequently twice paid in whole or in part.

These facts being undoubtedly true, it evidently appears, that what was given in either of these cases, must have been with some other view, and on some other pretence, than arrears of pensions and salaries.

The Duke of *Queensbury* having after the Union received the sum of 22986*l.* 12*s.* 2*d.* sterling out of the equivalent, being the full of his equipage money and daily allowance, as high Commissioner to the Parliament, did afterwards repay what he had received from the Earl of *Glasgow* on the same account ; but was it paid back again to the treasurer as the Queen first designed it ? But, as the Commissioners of Accounts discovered (after a great many oaths and examinations of the Earls of *Godolphin*, and *Glasgow*, and Sir *David Nairn*, altogether repugnant and contradictory to one another) to the Queen herself in a private clandestine manner ; and since the said Commissioners do affirm in their report, that it was not applied to the use of the public, people generally believe, that her Majesty was pleased to return it to the Duke of *Queensbury* and the said two Earls, as a reward for their good services in carrying on the Union.

Murder will out, and what is thus discovered, is sufficient to satisfy any man of the true motives that induced the ministry of *England* to lend this money and directed the ministry of *Scotland* in the distribution of it.

It is abundantly disgraceful to be any manner of way a contributor to the misery and ruin of one's native country; but for persons of quality and distinction, to sell, and even at so mean a price, themselves and their posterity, is so scandalous and infamous, that such persons must be contemptible in the sight of those who bought them, and their memories odious to all future generations.

F I N I S.

